

SOME NORTH RIDING OF YORKSHIRE MANORS
IN THE SEVENTEENTH AND EIGHTEENTH CENTURIES:
CALL LISTS, CALL ROLLS AND THE COMMUNITY

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ABSTRACT

True frankpledge never existed in Yorkshire yet the stewards of many early modern Yorkshire manorial courts maintained call lists which included not only tenants but also 'resiants' in the manor. Seventeenth-century and eighteenth-century call lists of this fuller type found in the records of three North Riding manors have been examined to assess their comprehensiveness and to ascertain how they worked in practice. The suitors' call marks have been used to uncover the attendance records of tenants and residents, jurors and manorial officers, and the reasons given for failure to appear at court.

The civil and manorial business of the courts baron and the criminal work of the courts leet are described. The civil and presentment jurors, the foremen, the affeerors, and the constables and other manorial officers are considered. The extent to which resiants and men not enrolled in the call lists were involved in the administration of the manor is also discussed.

The decline of the courts is observed. Changes in the selection of jurors and officers coinciding with the courts' deterioration are noted. The survival of one court is linked to the retention of commons; the demise of another to enclosure.

Little attention has been paid to early modern call lists elsewhere: some aspects of the examination of jurors, foremen, affeerors and manorial officers have been replicated in a few manors but most in none; there has been little detailed investigation into the work of the court baron; and the few manors in which verdicts and presentments have been scrutinized have been urban or in the south. This thesis constitutes a step towards a better understanding of early modern manors in general, and of manorial history in Yorkshire and the north in particular.

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PREFACE

Throughout this thesis frequent reference will be made to the manorial records of the manors of Snape and Well, West Tanfield and Danby, and to the parish registers of Burneston, Danby, Glaisdale, Wath and Well. For ease of reference these documents will be cited without their full North Yorkshire County Record Office (NYCRO) prefixes as follows:-

Manorial Records

Snape and Well court rolls	NYCRO/ZAL/1/1/109-179	1/n
If a roll covers several courts the court date will be added in the abbreviated form		
		1/n (8.6.1616)
Snape and Well court papers	NYCRO/ZAL/1/3/33-91	3/n
Well Hospital leases	NYCRO/ZAL/2/1-170	2/n

West Tanfield court book NYCRO/Z.19/2

The pages in the court book are not numbered and references will be given by court date in the abbreviated form

22.12.1627

Danby court books	NYCRO/ZDSIII/1/2/1-4	III/2/n
Danby call rolls	NYCRO/ZDSIII/1/3/1-9	III/3/n
Danby court papers	NYCRO/ZDSIII/1/4/3-175	III/4/n
Danby rentals, etc.	NYCRO/ZDSIV/1/3/3 and 7	IV/3/n
Danby rentals, etc.	NYCRO/ZDSIV/2/2/1	IV/2/n

Parish Registers

Burneston parish registers NYCRO/PR/BUE/1/1 B/10.7.1635

The pages in the registers are not numbered.

Danby parish registers D/p.n

The reference is to the page in F.Collins (ed.), *The Registers of Danby-in-Cleveland 1585-1812*, (Yorkshire Parish Register Society 43 1912).

Glaisdale parish registers NYCRO/PR/GL/1/1 G/p.n

Wath parish registers NYCRO/PR/WAT/15 Wa/p.n
The reference is to the numbered pages in the transcript prepared by the vicar of Wath in 1855.

Well parish registers NYCRO/PR/WEL/1/1-5 Wn/f.n

The first 'n' is the volume number 1-5.
The pages in the original registers are rarely numbered and the 'f.n' is the folio number in the transcript prepared by the then Deputy County Archivist. A 'v' for *verso* is added where appropriate.

If the page in the register is numbered the reference is in the form

Wn/p.n

There is no pagination in volume 3, the folios in the transcript are numbered only to f.68, and thereafter entries are referred to by date

e.g. W3/18.2.1792

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CHAPTER ONE

INTRODUCTION

It is now over twenty years since I attended a course at the University of Kent at Canterbury and submitted a dissertation to complete the requirements for the degree of M.A. (Local Government). The dissertation covered the activities in the early 1970s of four surviving courts leet on the North York Moors but it also included a short history of manorial courts.¹ The brief research for that outline of the courts' history gave the impression that, although not altogether neglected, manorial courts, and their records in particular, had not received as much attention as they warranted. It seemed that transcriptions of some early rolls had been published and the early history of manors had been the subject of much debate about the turn of the century, but the later courts and their records had received less consideration. Professor Hearnshaw had addressed the question of leet jurisdiction in 1908 and in the same year the Webbs had devoted a volume of their history of local government to the courts of the manor and the borough but little research seemed to have taken place since.² Exploration in greater depth has unearthed material not located in these earlier enquiries but it has also confirmed that the courts and their records had not at that time been given the scrutiny they perhaps deserved and are now increasingly receiving.

The under-use of manorial records, mediaeval and later, had not escaped comment.³ More recently Macfarlane, in particular, has expressed his surprise that the records never seem to

¹ D.F. Severs, 'Four Courts Leet in the North Riding of Yorkshire', (Unpublished M.A. dissertation, University of Kent at Canterbury, 1973).

² F.J.C. Hearnshaw, *Leet Jurisdiction in England* (Southampton, 1908); S. and B. Webb, *English Local Government*, (11 Vols, London 1903-29), 2 *The Manor and the Borough*, (London, 1908).

³ F.W. Maitland (ed.), *Select Pleas in Manorial and Other Seignorial Courts I*, (Seldon Society 2 1889), p. xi; J.A. Raftis, 'Social Structure in Five East Midlands Villages: A Study of Possibilities in the Use of Court Roll Data', *Economic History Review*, Second Series, 18 (1965), pp. 83-99.

have been used very extensively by historians.⁴ Others have been more cautious: Marshall has criticised Macfarlane for making the records appear far too accessible and plentiful and their use too easy because full sets of manor court rolls are available for only a tiny handful of manors; and Margaret Spufford has pointed out that 'it goes without saying that a village which has a sixteenth and a seventeenth-century field book, good parish registers, a continuous series of court rolls, and a plentiful supply of inhabitants' wills made at the right dates, would represent a local historian's paradise. As such it is rarely found'.⁵ Despite these difficulties manorial records have been used to good effect of late by some early modern historians. Manors and their records have been studied in their own right;⁶ they have also formed part of wider 'community' studies and the study of the economic and social history of an area;⁷ they have been used to examine particular elements of communities such as constables and some aspects of community activity such as

⁴ A. Macfarlane in collaboration with Sarah Harrison and C. Jardine, *Reconstructing Historical Communities* (London, 1977), pp. 36 and 53-7. Also see Z. Razi, 'The Toronto School's Reconstruction of Medieval Peasant Society: A Critical View', *Past and Present*, 85 (1979), p. 141; W. J. King, 'Untapped Resources for Social Historians: Court Leet Records', *Journal of Social History*, 15 (1982), p. 699.

⁵ J. D. Marshall, 'The Study of Local and Regional "Communities": Some Problems and Possibilities', *Northern History*, 17 (1981), p. 208; Margaret Spufford, *Contrasting Communities: English Villagers in the Sixteenth and Seventeenth Centuries* (London, 1974), p. 56.

⁶ For example, Redgrave, Suffolk: J. P. Dawson, *A History of Lay Judges* (Cambridge, Mass., 1960); Petworth, Sutton and Dunston, West Sussex: Lord Leconfield, *Petworth Manor in the Seventeenth Century* (London, 1954); *idem*, *Sutton and Dunston Manors* (London, 1956).

⁷ For example, Myddle, Shropshire: D. G. Hey, *An English Rural Community: Myddle Under the Tudors and Stuarts* (Leicester, 1974); Chippenham, Orwell and Willingham, Cambridgeshire: Spufford, *Contrasting Communities*; five manors at Terling, Essex: K. Wrightson and D. Levine, *Poverty and Piety in an English Village: Terling 1525-1700* (London, 1979); Havering, Essex: Marjorie K. McIntosh, *A Community Transformed: The Manor and Liberty of Havering, 1500-1620* (Cambridge, 1991); Cannock and Rugeley, Staffordshire: C. J. Harrison, 'The Social and Economic History of Cannock and Rugeley, 1546-1597' (unpublished Ph.D. thesis, University of Keele, 1974); fifteen courts in West Cumberland: R. S. Dilley, 'The Cumberland Court Leet and Use of the Common Lands', *Transactions of the Cumberland and Westmoreland Antiquarian and Archaeological Society*, 67 (1967), pp. 125-51.

court attendance rates and offenders and offences.²⁹ If manorial records were neglected in the past they seem to have come into their own in recent decades, throwing more light on the history of manors, their courts and on the communities they administered.

However, few of the manors already studied are in the north of England and those in the north which have been given attention seem to be in the north-west or in urban areas: it would appear that there has been no examination in depth of a rural Yorkshire manor in the early modern period.³⁰ And although several of the recent studies have examined the various officers of the manor hardly any have paid particular attention to the work of the courts leet and baron and none to the call lists in which the names of the suitors are enrolled. Macfarlane has suggested possible uses for what he called 'views of frankpledge', by which he meant call lists, but he described as 'a serious deficiency' the fact that it is not known how they worked in practice. Dawson pointed out that 'there is no way of telling the extent of [court attendance] without knowing how

²⁹ For example, nine villages in Hertfordshire, Leicestershire, Norfolk, Staffordshire and Worcestershire: Joan R. Kent, *The English Village Constable* (Oxford, 1986); Prescott and four other manors in Lancashire: W.J. King, 'Vagrancy and Local Law Enforcement: Why be a Constable in Stuart Lancashire?', *The Historian*, 42 (1980), pp. 264-83; Shrewsbury, Shropshire: W.A. Champion, 'The Frankpledge Population of Shrewsbury, 1500-1720', *Local Population Studies* 41 (1989), pp. 51-60; three villages in Essex: F.G. Emmison, *Elizabethan Life* (5 vols, Chelmsford, 1970-80), 3 *Home, Work and Land* (Chelmsford, 1976), p. 204; Prescott and four other manors in Lancashire: W.J. King, 'Leet Jurors and the Search for Law and Order in Seventeenth-Century England: "Galling Persecution" or Reasonable Justice?', *Social History*, 13 (1980), p. 305; *idem*, 'Untapped Resources for Social Historians', p. 699; *idem*, 'Early Stuart Courts Leet: Still Needful and Useful', *Social History*, 46 (1990), p. 271; thirty-seven manors in Kent: L. Knafla, '"Sin of all sorts swarmeth": Criminal Litigation in an English County in the Early Seventeenth Century', in E.W. Ives and A.H. Manchester (eds), *Law, Litigants and the Legal Profession* (London, 1983); Halifax, Yorkshire: R.A.H. Bennett, 'Enforcing the Law in Revolutionary England: Yorkshire, c1640-c1660', (unpublished Ph.D. thesis, London University, 1988).

³⁰ Some aspects of three Yorkshire manors in the mid seventeenth century are examined in N. Bruen, 'Leet Jurisdiction and Social Regulation in Seventeenth Century Yorkshire: The Courts of Coxwold, Otley and Marske (1633-64)', (unpublished M.A. dissertation, University of York, 1984).

complete a census of residents was maintained by each court leet'.¹⁰ Thus the detailed examination in this thesis of three rural Yorkshire manors, their call lists, and the roles of the men listed and not listed therein in the courts and in the manorial offices, covers new ground.

Many manorial court rolls include lists of tenants of the manor. But some lists also include residents in the manor, or 'resiants' as they were often described by the stewards and their clerks. If the lists containing residents include all the inhabitants of the manor they are clearly worthy of investigation. Despite Macfarlane and other scholars having remarked on the potential usefulness of these lists so far little work has been done on them. The lists sometimes appear in the formal court rolls having been copied from the *ad hoc* call rolls used by the steward to record attendances at court. But sometimes *ad hoc* call rolls were used as the formal record instead of lists in the court roll.¹¹ Such *ad hoc* rolls were perhaps less likely to be retained than the more important court rolls and this has reduced the chances of lists of tenants and resiants surviving. Yet many call lists and call rolls, formal and less formal, have survived.¹² In this thesis the lists have been checked against the wealth of other extant manorial records to assess

¹⁰ Macfarlane, *Reconstructing Historical Communities*, p. 183; Dawson, *History of Lay Judges*, p. 216. They have also been called 'suit rolls', 'Leet-Bills' and 'rent calls': Emmison, *Elizabethan Life*, p. 204; P.D.A. Harvey, *Manorial Records*, (British Records Association publication No. 5 1984), p. 66; Sir W. Scroggs, *The Practice of Courts-Leet and Courts-Baron* (London, 1702), Third Ed. (London, 1714), pp. 7 and 22.

¹¹ The use of *ad hoc* documents at manorial courts was not unusual. For example see Cicely Howell, *Land, Family and Inheritance in Transition: Kibworth Harcourt 1280-1700* (Cambridge, 1983), p. 62, and McIntosh, *Community Transformed*, p. 303. In 1628 the court at Aldborough, North Riding, abandoned call lists in the court rolls and call rolls were thereafter maintained in a separate volume called, somewhat confusingly, the 'Court Roll': Sir T. Lawson-Tancred, *Records of a Yorkshire Manor* (London, 1937), p. 63.

¹² Published examples include those to be found at Emmison, *Elizabethan Life*, pp. 204-5; J.G. de T. Mandley (ed.), *The Portmote or Court Leet Records of the Borough or Town and Royal Manor of Salford from the Year 1597 to the Year 1669 Inclusive*, (2 vols, Manchester, 1902), 1, (Chetham Society New Series 46), p. 4 *et seq.*; Sir T. Lawson-Tancred, 'Extracts from the Aldborough Court Roll', *Yorkshire Archaeological Journal*, 35 (1943), p. 321.

their compass: the formal rolls and the informal court books; the lists of jurors, affeerors and officers;¹³ and the juries' presentments and the clerks' lists of civil pleas. The lists have also been checked against the names of villagers appearing in non-manorial documents: the parish registers, the hearth tax returns, the quarter sessions records, and occasional wills and inventories.¹⁴ These manorial and non-manorial sources have been used to build up a picture of who lived in the manor, who should therefore have been included in the call lists and rolls if they were all-embracing and who was omitted if they were not. Although complete reconstruction of communities is beyond the scope of the thesis the call lists and associated records used together provide significant information about the inhabitants of the villages within the manors and their relationships with the courts and their offices. Thus this study will demonstrate the significance of a little-used source.

The Elements of the Manorial Court

Manorial courts are often referred to as 'courts leet' but the leet element is only one of four possible theoretical concurrent jurisdictions they exercised. Kitchin, in '*Le Preamble*' to his *Le Courte Leete et Court Baron* first published in 1598, quotes Fineux as saying 100 years earlier

that at the beginning, all the Administration of Justice was in the Crown, and where the king was, there was the law

¹³ Under the court leet process of amercement the jurors presented the offender, the steward declared him to be in mercy and the affeerors assessed and fixed the amount of the amercement: Hearnshaw, *Leet Jurisdiction*, p. 135; J. Kitchin, *Jurisdictions: or, The Lawful Authority of Courts Leet, Courts Baron, Court of Marshalseyes, Court of Pypowder, and Antient Demesne ...* (London, 1651), Fourth Ed. (London, 1663), pp. 155-6; G. Jacob, *The Complete Court-Keeper, or Land-Stewards' Assistant* (London, 1713), Seventh Ed. (London, 1781), p. 11; Scroggs, *Practice of Courts-Leet*, p. 116.

¹⁴ This study does not make general use of wills and inventories. However, a sample of wills and inventories from the Sheepscar Library, Leeds, (box RD/AP1) was gathered by a Bedale W.E.A. class some fifteen years ago and deposited at Bedale Museum. This sample includes twenty-two Snape and twenty Well inventories: K.M. Bumstead, 'Wills and Inventories in the Bedale Area of North Yorkshire', *Yorkshire Archaeological Journal*, 57 (1985), pp. 163-5. References to these inventories will be the numbers allocated by the W.E.A. class.

administered: Then, afterwards, for the multiplicity of the people, was the Court Leet for the punishment of Offences and Annoyances to the Common-wealth within the Precinct of that: and the Articles and Pains are ordained to that end, and it is called, The view of Frankpledge, for that the King there may be certified by the view of the Steward, how many people are within any Leet, and also to have account and view by the Steward, of their good government and manners in every Leet ... And Courts Baron were ordained to determine as to Injustices, Trespasses, Debts and other Actions, as afterwards it appeareth, where the debt or the damages are under forty shillings ... Homagers of Court ought to enquire in this Court, that their Lords shall not lose their Services, Customs or Duties. And also it was ordained to make their Suits there, and so to show themselves obedient to their Lords, and that nothing be made within the Mannor, to be any annoyance or hurtful to the Inheritances of the Lords of the mannor, which should there be inquired of, and presented for the Lords of the Mannors.¹⁵

In the early seventeenth century Sir Edward Coke agreed that the leet was a royal court of record superior to the court baron but also wrote that the manor court was

of two natures; the first is by the common law, and is called a court Baron, as some have said, for that it is the freeholders' or freemen's court ... and of that court the freeholders being suitors be judges ... The second is a customary court, and that doth concern copyholders, and

¹⁵ Fineux 12 Henry VII fol.18 quoted at Kitchin, *Jurisdictions*, pp. 6-7; the quotation differs somewhat from the version given in J.Harland (ed.), *A Volume of Court Leet Records of the Manor of Manchester in the Sixteenth Century*, (Chetham Society 63 1864), p. 7, where the leet 'Offences and Annoyances' are referred to, perhaps more precisely, as 'enormities and nuisances' and the court baron 'Injustices' as 'injuries'.

therein the Lord or his Steward is the judge.¹⁶

Thus we see that a Tudor lawyer saw the manorial court as consisting of first the leet or view of frankpledge 'for the punishment of Offences and Annoyances to the Common-wealth' and second the court baron for the determination of civil wrongs, for the tenants to make their suit and for enquiry into anything 'annoyance or hurtful' to the inheritance of the lord. His Stuart successor found a difference between the court baron for freeholders and a third element, the court customary, which served the same purpose for copyholders.

Maitland doubted whether the terms 'court leet', 'court baron' and 'court customary' were in use at the end of the thirteenth century; the term 'leet' was then in use only in the East of England (Norfolk), courts customary were not mentioned in the Hundred Rolls of 1274 or the *Quo Warranto* enquiry of 1278 and whilst barons' courts could be found they were not courts baron in the later sense. There was then no definite classification of courts and the *Quo Warranto* enquiry was interested not in courts but in jurisdictions; these were classified and indeed the enquiry itself brought out the distinctions between various jurisdictions. Lawyers might analyse and maintain that a lord could have manorial jurisdiction alone or with franchises and regalities in addition, the latter only if granted by the king according to the king's lawyers, but in practice the lord's court would disregard any differences between manorial offences, petty misdemeanours against the general law and actions for debt, and deal with them in one undifferentiated court.¹⁷ The early history is therefore to be found not by pursuing courts later classified as separate by lawyers but in their separate jurisdictions which have been described as baronial, domanial and

¹⁶ Sir E. Coke, *The Fourth Part of the Institutes of the Laws of England* (London, 1644), Second Ed. (London, 1648), pp. 263-4; *idem*, *The First Part of the Institutes of the Lawes of England or a Commentary upon Littleton* (London, 1628), Fourth Ed. (London, 1639), 58a.

¹⁷ *Select Pleas*, pp. xvi-xix.

franchisal.¹⁹

Baronial jurisdiction was that exercised in the honour court and stemmed from the feudal principle that every lord with tenants enough to form a court might hold a court. The lord held the court for the barons holding land of him by military tenure and the jurisdiction declined from the thirteenth century because of the development of royal justice and because more land was then held direct of the king. According to Ault, when the central honour courts dissolved the military tenants continued to do their suit in the manors or in private hundred courts and a manor which had taken over what remained of the jurisdiction and some of the suitors came to be known as a court baron.¹⁹

Domanial jurisdiction was the jurisdiction the lord of the manor had over the tenants of his manor. It was akin to baronial jurisdiction, except that the latter was based on military tenure. This jurisdiction was exercised in what from the fifteenth century the lawyers called the court baron and it was inseparable from possession of the manor.²⁰ 'Every Manour hath a Court Baron' wrote Calthorpe in 1635 and 'A Court Baron ... is the chiefe prop and Pillar of a Manor, which no sooner faileth but the Manor falleth to ground' wrote Coke in 1630: they meant that the very existence of the manor depended on the existence of the court baron for by their time the existence of the court defined a property as a manor.²¹ In the earliest days of the court exercising domanial jurisdiction it was attended by freeholders and villeins alike but, as Holdsworth has pointed out, the differences between freehold and villein tenants grew with time and the differences survived when villeins became

¹⁹ Maitland, *Select Pleas*, pp. xxxviii-xxxix; W.O. Ault, *Private Jurisdiction in England* (London, 1923), p. 1. Maitland described private jurisdictions as feudal, manorial and seignorial but Ault preferred to adopt the classification of the same three types of jurisdiction as baronial, domanial and franchisal and this terminology would seem to be better for present purposes.

¹⁹ *Private Jurisdiction*, pp. 1-3.

²⁰ *ibid*, pp. 7-8; Harvey, *Manorial Records*, p. 45.

²¹ C. Calthorpe, *The Relation Betweene the Lord of a Mannor and the Cappy-holder his Tenant* (London, 1635), reprinted by The Manorial Society (London, 1917), p. 35; Sir E. Coke, *The Compleat Copy-Holder* (London, 1630), pp. 56-7.

copyholders. The court of the freeholder tended to look different from the court of the copyholder and it was an easy step for the lawyers to say that there were two courts in a manor: a court baron for freeholders and a court customary for copyholders. But the distinction was never clearly drawn and in 1770 Blackstone wrote that although they were 'in their nature distinct' they were 'frequently confounded together'.²²

Franchisal jurisdiction was, in Ault's words, 'public jurisdiction in private hands' but as Baker has pointed out this is 'a contradiction in terms'. Ault described how, as certain pleas were made pleas of the crown, as the number and importance of those pleas increased and as the new institutions of the *curia regis*, itinerant justices and sheriffs with increased powers were introduced, 'the downward reach of the king's justice [became] greater and greater' and private jurisdictions were emptied of their content. In 1215 sheriffs were forbidden to hold pleas of the crown and were left with the jurisdiction exercised in their tourns. The barons had imitated the sheriffs' presentment procedure and so the vast majority of franchises in private hands came to approximate to the restricted jurisdiction of the sheriff in his hundred court. This jurisdiction came to be known as leet jurisdiction and the court in which it was exercised later came to be known as the court leet. The jury in this court presented crimes of which the more serious were sent to the justices and the perpetrators of the remainder were punished in the lord's court to his profit. All those who would have been bound to attend the court were the sheriff holding it were still bound to attend whether tenants of the lord or not.²³

²² Sir W. Holdsworth, *A History of English Law*, A.L. Goodhart and H.G. Hanbury (eds), (17 vols, London, 1903-1972), 1, Seventh Ed. (London, 1956), pp. 182-3; W. Blackstone, *Commentaries on the Laws of England*, (4 vols, Dublin, 1770), 4, p. 271. There is a reference to a 'customary court baron' at Webbs, *Manor and the Borough*, pp. 12-13.

²³ Ault, *Private Jurisdiction*, pp. 3-6; Hearnshaw, *Leet Jurisdiction*, pp. 328-58; J.H. Baker, *An Introduction to English Legal History* (London, 1971), p. 17. For the origins of the leet also see Holdsworth, *History of English Law*, 4, pp. 17-28; Maitland, *Select Pleas*, pp. xxvii-xxxviii; W.A. Morris, *The Frankpledge System* (Cambridge, Mass., 1910), pp. 131-47.

To summarize, every lord of a manor had a right to hold a court for his tenants and the jurisdiction there exercised was domanial. Lords of honours with tenants holding land of them by military tenure had the right to hold courts for their tenants in which they exercised baronial jurisdiction but as the jurisdiction faded away what was left of it was exercised in the manor court with domanial jurisdiction. This court of the manor came to be known as the court baron. Lawyers later differentiated between the court baron for freeholders and the court customary for copyholders but they were 'frequently confounded together'. A lord might also have a franchise from the king to exercise the jurisdiction of the sheriff's tourn and the jurisdiction so exercised came to be known as leet jurisdiction.

The View of Frankpledge

The possible connection between the enrolment of men in tithings under the frankpledge system and the call lists and rolls found in manorial court records is obvious and therefore the view of frankpledge warrants separate attention. Frankpledge was a system of suretyship and mutual responsibility for the production of criminals. In the only full study of the system Morris described the then modern authorities as 'hopelessly divided' on its true origins but concluded that they are most likely to be found in the Anglo-Saxon institutions of the tithing and *borh*. Under the tithing system men were organized in groups but for the purpose of catching criminals, not for suretyship. The *borh* system was a system of suretyship but the obligations were personal, not mutual. The frankpledge system evolved under the Normans, probably during the reign of William I, when the distinct tithing and *borh* systems were fused and made compulsory. Morris described the system resulting as a 'system of compulsory, collective bail, fixed for individuals not after their arrest for crime but as a safeguard in anticipation of it'.²⁴

²⁴ *Frankpledge System*, pp. 1-40. For the early history of frankpledge also see Holdsworth, *History of English Law*, 4, pp. 13-15; N. Denholm-Young, *Seignorial Administration in England* (London, 1937), pp. 90-3.

In theory every man above the age of twelve years resident for a year and a day should have been a member of a tithing under the frankpledge system but in practice there were various exceptions. Lords, knights and clergy were deemed exempt because their rank or order served as a surety instead. There were differences of opinion about whether the possession of freehold property was a sufficient surety and freeholders were variously included or excluded in accordance with local custom. Morris stated that 'frankpledge was unquestionably an institution that chiefly affected villains; but to affirm that the freeman as such was released from frankpledge obligations is clearly incorrect.' Vagrants were exempt because they were never resident a year and a day and household servants were exempt because they were considered to be under the surety of the head of the household.²⁵

The system required regular maintenance and supervision. Henry II ordained special sessions at which men were put in frankpledge and these sessions held by the sheriff in spring and autumn became known as the sheriff's tourn. The view of frankpledge was to be held only once each year after Michaelmas but this caused some confusion because the term was already being applied not only to the actual enquiry but to the tourn in general. Originally the view of frankpledge and the other business conducted at the tourns were separate jurisdictions but in time they were held together, the view becoming what Hearnshaw described as 'the very heart and centre of leet jurisdiction'. Indeed, as we have seen, the court leet and the view of frankpledge came to be treated as alternative names for the same jurisdiction. Morris has pointed out that the sudden rise to popularity of the term 'leet' is no doubt explained by ambiguity in the meaning of the term 'tourn';²⁶ perhaps the use of 'leet' throughout the country was not unconnected with the absence of true frankpledge in a number of counties.

Morris wrote 'there can hardly be a doubt that the right of inspecting frankpledge tithings, with the emoluments

²⁵ Morris, *Frankpledge System*, pp. 69-86.

²⁶ *Frankpledge System*, pp. 112-9, 132 and 138. Also see Hearnshaw, *Leet Jurisdiction*, pp. 17-22.

consequent to this right, had been in the hands of some members of the feudal nobility before Henry II created what is properly known as the view of frankpledge'. From that time lords in general acquired the right but the transfer from royal to seignorial hands was long and gradual. In due course it was, as leet jurisdiction, to become the most common franchise in private hands and by the fifteenth century the view of frankpledge had become associated with the manor court rather than the sheriff's tourn.²⁷

Stewart-Brown, when studying the absence of frankpledge in Cheshire, found 'abundant evidence in the thirteenth, fourteenth and fifteenth centuries of that sort of jurisdiction misnamed "view of frankpledge" which had not, and apparently never had had, any concern in the enforcement of a tithing system, but in which was exercised in baronial and manorial courts a privileged and delegated jurisdiction over certain breaches of the peace.' And, as Morris pointed out, 'So well ... did view of frankpledge come to be known as a term to denote the leet jurisdiction that the phrase, with practically all that it connotes, is to be found in the fourteenth and succeeding centuries in Wales, and in various parts of England where frankpledge itself never existed.'²⁸

Frankpledge never existed in Yorkshire. It would seem that the system also never applied in Wales, Cheshire, Shropshire, Herefordshire, and the four northernmost counties in England but in some of these cases there is no direct evidence and it is the silence of the records which shows it was probably not in operation. There is no doubt in the case of Yorkshire for in 1293 jurors declared there was no frankpledge or view of frankpledge there. Morris suggests this might have been because the county was treated as a border county, because there were so few Normans there it was not necessary to protect them and because in Anglo-Saxon times it had been under Danish rule which meant there had been no *borh* there for the Normans to adopt and adapt.²⁹ Stewart-Brown made a

²⁷ *Frankpledge System*, pp. 131-6.

²⁸ R. Stewart-Brown, *The Serjeants of the Peace in Medieval England and Wales* (Manchester, 1936), p. 99; Morris, *Frankpledge System*, p. 133.

²⁹ *Frankpledge System*, pp. 42-59.

special study of the non-frankpledge counties and has described the evidence in every case except Yorkshire for an alternative system of maintaining the peace under an organization of peace officers, sometimes holding by hereditary serjeanty. Faced with a lack of evidence he declared the matter must be left open but pointed out that there must have been one or the other system in operation in the county and given the absence of frankpledge he assumed the existence of the alternative probable.³⁰

The view of frankpledge proper declined when suretyship and the presentment system failed to secure proper observation of the peace and alternatives were found. Tithingmen were acting for tithings and the ordinary members, excused appearance, no longer had direct contact with the system. Under the system of semi-annual courts justice was not speedy and because eyres were held only once in seven years amercement of tithings became mere form because the persons amerced could differ from the persons who had offended some years before. In Morris's words, the creation in 1361 of justices with their four sessions per year 'sapped any remaining vitality in frankpledge'. But the disappearance of the surety element did not prevent observance of the form for centuries more and the maintenance of tithings continued in many manorial leets.³¹

Crowley has shown how the true tithings maintained in four Essex villages were transformed after the system proper collapsed between c1350 and c1400; the frankpledge units changed into amorphous groups of chief pledges and tithingmen instead of separate tithings and these groups later included persons who would have been exempt under frankpledge proper such as knights, 'gentlemen' and women. He concluded that

A good deal of work was clearly necessary to administer the frankpledge oath and to keep the tithing lists up to date ... The advantage of administering it lay in the opportunities it gave a lord to bind men to good behaviour, and, much more important, to maintain an up-to-date list of people under his jurisdiction. Such a list might enable a

³⁰ *Serjeants of the Peace*, p. 65.

³¹ *Frankpledge System*, pp. 151-66.

lord to safeguard against the Crown or other lords any rights he had to receive amercements or felons' chattels. It may also have been valuable in the collection of taxes or other sums of money levied on the whole community. In addition, a regularly empanelled jury of chief pledges was useful for local administration. For all these advantages many lords of manors administered the frankpledge system throughout the fifteenth century.³²

Morris reached much the same conclusions and in describing how tithings were still maintained in manorial leets long after the fifteenth century he wrote 'The tithing-list, and the presentment of the capital pledges upon the articles of the view of frankpledge, were as useful as ever for registering the names of residents and for keeping account of persons who left the jurisdiction, as well as those newly arrived.'³³

These conclusions do much to explain why in Yorkshire, long after the fifteenth century and where there were never any frankpledge tithings, manorial records contain lists of people under the courts' jurisdiction. These were no doubt maintained under the guise of 'frankpledge' jurisdiction and under the influence of guides to stewards.

Call Lists and Call Rolls

The court-keeping precedents contained in the *Modus Tenendi Curias* of c1342 advised stewards

Then shall be put in dozen those who have been presented (as being out of dozen) and the clerk shall charge the boy in manner following, saying 'Put thy hand upon the book. Thou shalt be lawful man and bear loyalty to our lord the King and his heirs and to thy lord of this manor and to his heirs and shalt be justiciable by thy chief dozener; so help thee God and His Saints.' And then he shall kiss the book and give a penny to the clerk for his fee, and his name shall be

³² D. A. Crowley, 'The Later History of Frankpledge', *Bulletin of the Institute of Historical Research*, 48 (1975), pp. 1-15.

³³ *Frankpledge System*, p. 157.

entered on the roll of dozers; and so with the rest.³⁴ That the roll of those so sworn was intended to be read in open court is shown by the *De Placitis et Curis Tenendis* of c1269, the steward there being advised that 'their names should be written on a roll and be divided into tithings and be read twice a year at the court of frankpledge, that it may be seen whether they make suit as they ought and may be recalled to their lord in case they be detained elsewhere.'³⁵

These early examples of advice that names should be enrolled and read in open court refer to tithings under the frankpledge system proper.³⁶ But the practice continued long after the demise of true frankpledge. In his early seventeenth-century guide to stewards John Wilkinson wrote 'Then call the free suitors and dozers (or decenners) one after another ... and when you have called them, all those who have made default (by absence) mark them over the head, thus "Lawrence Gaole" "in misericordia 2d".'³⁷ And the bailiff's proclamation given in a stewards' guide of 1650 contains the words 'Draw near, and give your attendance and every one answer to his name as he shall be called ... And after all be called, and

³⁴ Reproduced in F.W. Maitland and W.P. Baildon (eds), *The Court Baron*, (Selden Society 4 1891), p. 101. For the enrollment of names on tithing lists also see Morris, *Frankpledge System*, p. 130. 'Dozen' and 'dozener' are derived from the French 'dizeine' for ten and therefore dozener is an alternative to 'deciner': Harland, *Court Leet Records of the Manor of Manchester*, p. 19, footnote 16. Also see 'Deciners, Decenniers or Doziners (Decennarii)' in G. Jacob, *A New Law-Dictionary* (London, 1729), Seventh Ed. (London, 1756).

³⁵ Reproduced in Maitland and Baildon, *Court Baron*, p. 68. For the reading of tithing lists also see Morris, *Frankpledge System*, p. 147.

³⁶ The advice was followed and Nellie Neilson showed how at the Chingford, Essex, View of Frankpledge the bailiff called the roll: 'The said Bailiffe shall severally call the names of all the aforesaid tenants, landowners, who shall present their said ordinarie number of men accordingly': *Customary Rents*, (Oxford Studies in Social and Legal History 2 1910), p. 135.

³⁷ J. Wilkinson, *The Manner and Forme how to keepe a Court Leete* (London, 1620) quoted in Harland, *Court Leet Records of the Manor of Manchester*, p. 19.

those that are absent be marked to be amerced.³⁸

The courts in which the rolls were read were not the separate courts described by the lawyers. We have seen how the view of frankpledge which was once a separate jurisdiction came to be held with what became the court leet and how the leet and the view of frankpledge came to be treated as alternative names for the same jurisdiction. We have also seen how this franchisal jurisdiction was exercised in the manorial court in which domanial jurisdiction was exercised, the court baron, which was itself 'confounded together' with the lawyers' 'court customary'. Beatrice and Sidney Webb noted that

in the lawyers' view, we have before us not one Lord's Court, but several; with different constitutions and functions, different procedures and officers ... But ... The models for procedure offered to Stewards constantly assumed that the various kinds of Court would be held at one and the same time as connected parts of one and the same tribunal ... So far as analytic distinction was concerned, the Courts resolved themselves, in the lawyers' view into two sharply contrasted tribunals, the Court Baron and Customary Court on the one hand, and the Court Leet and View of Frankpledge on the other.³⁹

Stephens found the distinction less sharp when he described how the court baron and court customary were not usually distinguished and their distinction from the court leet was blurred. Hearnshaw went further when he pointed out that whereas the court baron was a fact the court leet was a fiction; the court baron would be held with or without leet jurisdiction but the court leet was never held without a court baron, except exceptionally in Manchester where the court baron faded away and the leet remained. He concluded that the distinction between leet and baron had little justification

³⁸ Wynkyn de Worde, *The Order of Keeping a Court Leet and Court Baron* (London, 1510), Twelfth Ed. (London, 1650), Facsimile Reproduction as Manorial Society Publication No. 8 (London, 1914), pp. 2-3. Similar proclamations can be found at Kitchin, *Jurisdictions*, p. 12, and Jacob, *Complete Court-Keeper*, p. 31. For calling over call lists also see Webbs, *Manor and the Borough*, p. 66.

³⁹ *Manor and the Borough*, pp. 12-13.

in history and scanty recognition in contemporary practice. Similarly, Dawson thought the leet was 'not so much a court as it was a model procedure of a "public" type that could be fused with going institutions' and readily attached itself to courts of manors. This explains why Emmison, examining Elizabethan records, found it 'often impossible to distinguish rigidly between the business of the various types of manor court.' Suffice to say that the courts in which the rolls were read were the manorial courts which in theory exercised various jurisdictions but which in practice were in general undifferentiated courts given in Hearnshaw's words 'the never-quite-accurate designation of "courts leet"'.⁴⁰

The Suitors

The court baron which exercised domanial jurisdiction had its origins in the feudal principle that a lord with tenants was entitled to hold a court for those tenants and that all tenants, free or villein, were bound to attend. There is no doubt that villeins were indeed bound to attend but the position of free tenants varied. Under the Statute of Marlborough of 1267 a freeholder was not bound to perform suit at the lord's court unless the requirement was imposed in a charter or he had performed suit before 1230. Attendance therefore became a question of a bargain struck or of custom.⁴¹

The court leet which exercised franchise jurisdiction of which the view of frankpledge was 'the very heart and centre' was a royal court of record. Suit at the leet was therefore not feudal or manorial, not dependent on freehold or copyhold, but 'suit real' or 'suit regal' 'due by reason of the body ... because the body is resident within the precincts ...' All persons of whatever rank, whether male or female, servant or master, between

⁴⁰ W.B. Stephens, *Sources for English Local History* (Cambridge, 1981), p. 74; Hearnshaw, *Leet Jurisdiction*, pp. iv, 76 and 349; Dawson, *History of Lay Judges*, p. 190; Emmison, *Elizabethan Life*, p. 199.

⁴¹ 52 Henry III c 9; H.S. Bennett, *Life on the English Manor: A Study of Peasant Conditions 1150-1400* (Cambridge, 1937), Alan Sutton Ed. (Gloucester, 1987), pp. 195, 199 and 201-4; Sir F. Pollock and F.W. Maitland, *The History of English Law Before the Time of Edward I*, (2 vols, Cambridge, 1895), 1, Second Ed. (Cambridge, 1898), p. 531.

twelve years and sixty years of age were originally in theory obliged to attend. In practice the clergy and tenants in ancient demesne, i.e. manors which were royal in 1066, were exempt and chief pledges attended for their tithings or the reeve and four 'best men' attended for their vills. The Statute of Marlborough exempted from the tourn archbishops, bishops, abbots, priors, earls, barons, religious men, and women and the exemptions were applied to the leet. Describing the position of those exempt under the Act Coke wrote that 'they are not compellable to come, but left to their own liberty, as to be a witness or the like.' Morris reports that personal attendants of the lord and other persons specially exempted, such as shepherds, plough boys and carters, were also not compellable to attend.⁴²

Attendance at the court leet by every resident except some exempted by statute, some represented by their chief pledge or reeve and some of the lord's servants is an oversimplification. Sometimes the privilege of absence had to be paid for by chevage, in its simplest form a personal payment rendered to secure exemption from the view but in some cases required by custom even though the person was present; indeed the payment was sometimes made yet the absentees were amerced for their absence.⁴³ And there was some debate about the true age for being sworn into frankpledge, the attendance of freemen, and the position of women.

The *De Placitis et Curiis Tenendis* of c1269 said that all male laymen of the age of twelve years should be in frankpledge and should make suit. Fleta, who wrote between 1272 and

⁴² 52 Henry III c 10; Hearnshaw, *Leet Jurisdiction*, pp. 83-5; Holdsworth, *History of English Law*, 4, p. 79; Morris, *Frankpledge System*, p. 145; Maitland, *Select Pleas*, p. xxx; Sir E. Coke, *The Second Part of the Institutes of the Laws of England*, (London, 1642), Sixth Ed. (London, 1681), p. 121.

⁴³ Neilson, *Customary Rents*, pp. 167-8. Sometimes chevage was paid for absence at the domanial court usually held three-weekly but attendance was required at the twice-yearly view; the amounts paid varied and sometimes depended on whether the payer was a householder or an unmarried man: *ibid*, pp. 162-76; Maitland, *Select Pleas*, pp. xxx-xxx1. In Elizabethan Essex payments of a common fine, 'cert money' or 'head silver' might be certain or uncertain by custom and might be a lump sum or so much per head: Emmison, *Elizabethan Life*, p. 206. Also see Webbs, *Manor and the Borough*, p. 22, footnote 1; Morris, *Frankpledge System*, pp. 101-2.

1307, included in his articles of the view articles asking 'whether all who are twelve years old and over are in a tithing' and 'whether all who are twelve years old or more have come as they ought'. But in *The Mirror of Justices*, believed to have been written by Andrew Horn between 1285 and 1290, it was said to be an abuse of the law that any person over the age of thirteen years was suffered to be in the realm without being sworn to the king and put in tithing and, incidentally, the same author said that deaf mutes, sick folk, idiots and lepers were exempt from attending the view of frankpledge.⁴⁴ Morris points out that although Britton spoke as if fourteen years was the appropriate age, and this age found its way into some modern text books, he agreed with Fleta elsewhere.⁴⁵ This no doubt prompted Coke when he wrote centuries later, 'Where old Books mention sometime fourteen years, it is but misprinted; For the time for one to come to the Tourn or Leet, and to take his oath, as is aforesaid, is twelve years ...'; elsewhere he conceded fourteen was 'the age of discretion' but repeated twelve was the age at which the oath should be taken at the tourn or leet. Sir Francis Bacon, sundry other authors of stewards' guides over almost 200 years, and Blackstone agreed with him.⁴⁶ Nevertheless the question seems to have been unsettled in practice. Nellie Neilson found that twelve or eighteen was the age for paying chevage or attending the view of frankpledge and Emmison found that in Elizabethan Essex the age might be twelve, fourteen, fifteen or sixteen years as dictated by the custom of the manor, the earliest age at which suit of court was demanded sometimes

⁴⁴ Maitland and Baildon, *Court Baron*, p. 68; H.G. Richardson and G.O. Sayles (eds), *Fleta*, (Selden Society 72 1955), p. 175; W.J. Whittaker (ed.), *The Mirror of Justices*, (Selden Society 7 1895), pp. 38-9 and 156.

⁴⁵ *Frankpledge System*, p. 71.

⁴⁶ Coke, *Second Part of the Institutes*, p. 147; Coke, *First Part of the Institutes*, p. 78; Sir F. Bacon, *The Office of Constable* (London, 1610), reproduced in G. Jacob, *The Compleat Parish-Officer* (London, 1718), Fourth Ed. (London, 1726), p. 3; de Worde, *Order of Keeping a Court Leet*, p. 11; Kitchin, *Jurisdictions*, pp. 6 and 19; Scroggs, *Practice of Courts-Leet*, p. 3 (but on page 6 Scroggs gives 16 years); Jacob, *Complete Court Keeper*, p. 2; Blackstone, *Commentaries*, 4, p. 270.

being included in manorial customals.⁴⁷

We have already seen that there were differences of opinion about whether the possession of freehold property was a sufficient surety for non-membership of a tithing and that freeholders were variously included or excluded in accordance with local custom. It became customary to include suit at court as a condition of land-holding and Morris concluded that 'whether or not they owed such suit without a direct bargain seems to have depended upon custom'. This is confirmed by Ault's work on the manors of the Abbot of Ramsey in the thirteenth century where he found that in some manors all the freemen attended whereas in others only some of them did so. Crowley found that when true frankpledge broke down before c1400 in the Essex manors he studied the amorphous groups which replaced tithings did not include the wealthier freeholders. Emmison found that freeholders were involved in Elizabethan manorial courts in Essex 'to a small extent' and pointed out that many lived in neighbouring manors and some far away but nevertheless he found examples of gentry attending the courts. Writing about the court leet or view of frankpledge in 1770 Blackstone was still able to state that 'all freeholders within the precinct are obliged to attend them'.⁴⁸

Morris was sure that women 'never had been, and obviously never could be, put in tithings'. Nevertheless, they were obliged to attend the view of frankpledge until 1267 when the Statute of Marlborough exempted them. Nellie Neilson gives an example of women paying chevage of a halfpenny at Peterborough. There were no women in the Essex tithings studied by Crowley but when the frankpledge system broke down the amorphous groups of tithingmen sometimes included women and he cites three cases of women claiming service as chief pledge. A woman did fealty at Manchester in 1553 but

⁴⁷ Neilson, *Customary Rents*, pp. 167-8; Emmison, *Elizabethan Life*, pp. 205 and 312.

⁴⁸ Morris, *Frankpledge System*, pp. 75-8 and 144; Ault, *Private Jurisdiction*, p. 106; Crowley, 'Later History of Frankpledge', p. 15; Emmison, *Elizabethan Life*, pp. 205-6; Blackstone, *Commentaries*, 4, p. 270.

this would no doubt be as a tenant under the domanial jurisdiction at the court baron. In 1633 at Aldborough, Yorkshire, twenty-four persons including a woman were amerced after the jury presented 'that [they] have lived within this View of Frank Pledge for a year and a day and more and as yet have not sworn Allegiance to the Lord King'.⁴⁹

To compound this confusion persons owing suit were not always obliged to attend in person: the Statute of Merton of 1236 provided for suit to be performed through an attorney.⁵⁰ But Coke explained that the 1236 Act did not apply to suit real and an attorney could not represent a suitor at the leet 'because he cannot be within two Leets, &C'. He also asserted that the exemption applied only to freeholders and that copyholders, who performed 'suit service' by reason of the tenure of their land, were still bound to attend. It would seem that it was thought it would be too onerous for a freeholder to have to attend in person every three-weekly court in a manor which might well be far from his residence but not too onerous for him to attend the twice-yearly leet where he lived.

Copyholders would reside within the manor and therefore should attend every court. Indeed, Wynkyn de Worde went so far as to suggest that

every common Sutor is bound by the Laws to appeare at the Lords Court Baron at every three weeks end ... for if they wilfully absent themselves, then they ... incurre the danger of perjury; for when they did their fealty, they were sworn to be true Tenants unto their Lord, and to pay and doe all manner of Suits, Customs and services due for their Tenements ... and therefore let every man remember his oath and duty, and doe his Suits and Services.

Coke wrote that attorneys must be 'good and vertuous, learned, and of good fame' and therefore it is assumed he did not envisage sons and

⁴⁹ Morris, *Frankpledge System*, p. 81; Hearnshaw, *Leet Jurisdiction*, pp. 84-5; Neilson, *Customary Rents*, p. 167; Crowley, 'Later History of Frankpledge', p. 13; Harland, *Court Leet Records of the Manor of Manchester*, p. 71; Sir T. Lawson-Tancred, 'Three Seventeenth-Century Court Rolls of the Manor of Aldborough', *Yorkshire Archaeological Journal*, 35 (1943), p. 209.

⁵⁰ 20 Henry III c 10.

brothers performing suit as found by Ault at the Abbot of Ramsey's courts.⁵¹

Another possible source of confusion is the question of residency. We have seen that suit real was 'due by reason of the body ... because the body is resident within the precincts' but a man could not 'be within two Leets'. Therefore when a man had residences in more than one manor he could be required to attend only one leet. Coke clearly differentiated between residents and inhabitants for he specifically addressed the meaning of the word 'inhabitants' in a Tudor statute on bridges and concluded that if a man dwelt in a foreign county, riding, city or town and kept a house and servants in another county, riding, city or town, he was an inhabitant in each county, riding, city or town: a man could be an inhabitant in more than one place but he could be resident in only one for leet purposes. Blackstone said 'All freeholders within the precinct are obliged to attend them, and all persons commorant therein; which commorancy consists in usually lying there'. It would seem that residency was a question of fact to be decided in each case.⁵²

This somewhat confused collection of law and custom applied at various times over several centuries in various parts of England but it is nevertheless a rough guide to what might be expected in the call lists and rolls in the records of early modern manors in the North Riding of Yorkshire. Because true frankpledge never applied in Yorkshire there had been no tithings and chief pledges there and reeves could not have attended for its vills

⁵¹ Coke, *Second Part of the Institutes*, pp. 99 and 215; de Worde, *Order of Keeping a Court Leet*, pp. 34-5; Ault, *Private Jurisdiction*, pp. 46 and 139; Ault found only two examples of attorneys attending the Abbot of Ramsey's manorial courts.

⁵² 22 Henry VIII c 5; Coke, *Second Part of the Institutes*, p. 702; Blackstone, *Commentaries*, 4, p. 270. In *R v Adland* (1825) it was decided that residence should be determined by bed: Hearnshaw, *Leet Jurisdiction*, Appendix 3.

too small to be divided into separate tithings. It follows that there could have been in Yorkshire no true chevage in its original form of a payment for the absence of men represented by their chief pledge or by the reeve and four men. But lawyers later explained the payment of chevage, in its changed forms and now under different names, including 'cert money', as a payment to the lord towards the cost of running the court for the convenience of the suitors.⁵³ Thus, subject to the exemptions, all North Riding residents might be expected to attend a leet with 'view of frankpledge' when the jurisdiction was applied in Yorkshire but it would not be surprising if they were in some manors obliged to pay the lord for the privilege.

The lists of residents drawn up at the leet might be expected to include all males from twelve, in practice often between twelve and eighteen, to sixty years of age, including some or all resident freeholders, but they might be expected to exclude members of the clergy and perhaps some of the lord's servants. Women ought not to be included but they might occasionally appear. And because the court leet was never held without a court baron and they were held 'as connected parts of one and the same tribunal' non-resident freeholders who appeared at the court baron according to local custom or bargains struck with the lord and women who appeared there as tenants in their own right might well be listed given the blurring between the two jurisdictions at the undifferentiated court. Sons and brothers, and indeed other relations, might be found listed as representatives of some suitors and other suitors might be represented by attorneys. In law attorneys could represent only freeholders required to attend the court baron and not freeholders required to attend the court leet: any freeholder represented by an

⁵³ Scroggs wrote that it had been agreed in Bullen's Case, 6 Rep. 77, that the lord of a leet may well have a certain sum *pro certo Leto* of all the residents within his leet, sometimes called *Capitagium*, and sometimes *Certum Litae* 'for the Ease of the Residents, so that they need not go to the Sheriff's Turn, but make their Suits real at the Lord's Leet': *Practice of Courts Leet*, p. 115; also see Coke, *Second Part of the Institutes*, p. 71.

attorney would probably be a non-resident.⁵⁴

These complications remind us of the problem of 'visibility' of individuals in manorial records. Razi thought that the business of the Halesowen, Worcestershire, manor court in the fourteenth century was so wide that he found it hard to conceive how a villager could have avoided appearing from time to time: women and the under-twelves would not appear to the same extent as men and the rich would appear more often than the poor but he thought all men would appear sooner or later. Veronica Wedgwood wrote that 'as plaintiff or defendant, as witness or surety, or as a minor official of the court, the great majority of the population would be at one time or another directly involved with the law.' Without attempting to quantify the proportions because it would strain the evidence Wrightson and Levine formed the impression in their more recent study of Terling that the manorial court records were biased towards the lower ranks. King thought leet records 'illustrate history from the bottom up'. But King also conceded that leet records would contain nothing of the landless poor who behaved themselves. Margaret Spufford found that sub-tenants were not revealed in court records for her Cambridgeshire manors and Hey found only bare details of labourers in the records at Myddle, Shropshire, which included manorial records. Analysis of call lists, call rolls and other court records should throw more light on the extent to which the well-behaved landless poor and sub-tenants are revealed.⁵⁵

⁵⁴ A resident freeholder might by custom or bargain struck be required to attend both the court baron and court leet, one or the other, or neither. If required to attend both then he would have to attend the leet element of the undifferentiated court in person as he would if required to attend the leet only. Representation by attorney would be in order if a resident freeholder was required to attend only the court baron but it is assumed this would be most unlikely for any freeholder required to attend the more frequent court of the lord by custom or agreement would probably be required by the same custom or agreement to attend the less frequent court of the king.

⁵⁵ Z. Razi, *Life, Marriage and Death in a Medieval Parish: Economy, Society and Demography in Halesowen 1270-1400* (Cambridge, 1980), pp. 2-3; C.V. Wedgwood, *The King's Peace 1637-1641: The Great Rebellion* (London, 1955), Fontana Ed. (London, 1966), p. 129; Wrightson and Levine, *Poverty and Piety*, p. 21; King, 'Untapped Resources for Social Historians', pp. 702-3; Spufford, *Contrasting Communities*, p. 144; Hey, *An English Rural Community*, pp. 162-78.

Court Records

There can be no doubt that many manorial courts had declined by the seventeenth century. Parker found that the powers and authority of the manor court of Foxton Bury, Cambridgeshire, had diminished year by year before 1611; Hoskins described how the manors at Wigston Magna, Leicestershire, were broken up and sold off in 1586 and 1606; Wrightson and Levine showed how the courts of the various manors at Terling, Essex, had ceased by the end of the sixteenth century to have any function other than registration of land transactions.⁵⁶ It was doubtless examples like these which prompted Maitland to say that manorial courts were 'no longer flourishing' in the sixteenth century and Holdsworth to record that they 'tended to decline in power and importance from the sixteenth century onwards'. More recently it has been said that the leet had lost most of its former importance by 1550 and that the Elizabethan age was its 'high water-mark as a unit of local government'.⁵⁷ The decline of many courts continued throughout the seventeenth and eighteenth centuries. Hearnshaw pointed out that the government itself said in an Act of Parliament dealing with settlement in the reign of Charles II that 'lords of manors do not keep courts leet' and in 1770 Blackstone wrote that they had 'for a long time been in a declining way'.⁵⁸

Yet there are signs that many courts still thrived. Holdsworth records that 'a statute of James I testifies to the fact that [their] business was actually increasing and the truth of this is borne out by the frequency with which the medieval literature upon [them] was reprinted.' Hearnshaw listed nine 'most important' stewards' guides published in the late Stuart period and gave ten examples of guides produced in the Hanoverian period.

⁵⁶ R.Parker, *The Common Stream* (London, 1975), Paladin Ed. (London, 1976), p. 157; W.G.Hoskins, *The Midland Peasant: The Economic and Social History of a Leicestershire Village* (London, 1957), p. xvi; Wrightson and Levine, *Poverty and Piety in an English Village*, p. 112.

⁵⁷ Maitland, *Select Pleas*, p. xxvii; Holdsworth, *History of English Law*, 1, p. 136; J.H.Baker, 'Criminal Courts and Procedure at Common Law 1550-1800', in J.S.Cockburn (ed.), *Crime in England 1550-1800* (London, 1977), p. 31; Emmison, *Elizabethan Life*, p. 198.

⁵⁸ 14 Car II c 14; Hearnshaw, *Leet Jurisdiction*, p. 130; Blackstone, *Commentaries*, 4, p. 271.

Beatrice and Sidney Webb were 'inclined to suggest that, in 1689, the holding of a Manorial Court ... was ... the rule rather than the exception'.⁵⁹ Researchers using manorial records have confirmed that in many cases courts lived on after other courts had died. Working on the records of a number of Essex manors Newton 'obtained abundant evidence that the leet aspects of manorial court jurisdiction had not died out by the later sixteenth century, as had generally been believed' and after similar work on manors in Lancashire King concluded that many courts retained considerable authority well into the seventeenth century. Examining the court leet records for Earls Colne, Essex, at the end of the sixteenth century Macfarlane found 'no evidence that the institution as a whole was merely a hollow formality' and in his study of Myddle, Shropshire, under the Tudors and Stuarts Hey found that the manorial courts had continued to function smoothly.⁶⁰

This national picture was reflected in the North Riding of Yorkshire. Many North Riding courts survived into the early modern period and beyond and indeed at least six North Riding courts leet have survived into the 1990s as active manorial courts if not in the same form as in their heyday.⁶¹ The records of these Yorkshire courts held in the seventeenth and eighteenth centuries show that

⁵⁹ 1 Jas I c 5; Holdsworth, *History of English Law*, 4, p. 129; Hearnshaw, *Leet Jurisdiction*, pp. 39-42; Webbs, *Manor and the Borough*, p. 116.

⁶⁰ K.C. Newton and Marjorie K. McIntosh, 'Leet Jurisdiction in Essex Manor Courts during the Elizabethan Period', *Essex Archaeology and History*, 13 (1981), p. 3; King, 'Untapped Resources for Social Historians', p. 699; Macfarlane, *Reconstructing Historical Communities*, p. 183; Hey, *An English Rural Community*, p. 218. In Wiltshire 'manorial courts also survived into the eighteenth century in very large numbers': W.R. Ward, 'County Government c1660-1835' in R.B. Pugh (ed.), *The Victoria History of the Counties of England: A History of Wiltshire* (14 vols, London, 1957-91), 5 (London, 1957), p. 170.

⁶¹ Surviving courts are listed in Part 3 of Schedule 4 of the Administration of Justice Act, 1977, which includes the North Riding courts for Bowes, Clifton (York), Danby, Fyling, Spaunton and Whitby Laithes. Under Section 23 of the Act these and any other courts of the types listed have survived to transact business customary for them immediately before the Section came into force. It is most unlikely that any North Riding courts other than those named have survived.

although some degenerated into nothing more than a means of recording land transfers most appear to have continued to function, perhaps in some cases sitting less often than they had and in others transacting less of their traditional business, but nevertheless as reflections of what they had been.

Early modern manorial rolls survive in not inconsiderable quantities. Again the North Riding reflects the national picture; the North Yorkshire County Record Office holds early modern records for over a hundred North Riding manors. Yet the North Yorkshire County Archivist has written of the manorial records in his custody that

In spite of their bulk and their theoretical legal importance they are rarely used by historians in this district, and the guardian of such treasures may well begin to wonder whether they are any more valuable in terms of the historical information they contain than, say, the pretty grants of arms that adorn so many collections of records.⁶²

It has already been noted that full sets of manor court rolls are available for only a tiny handful of manors and that a village with early field books, good parish registers, a continuous series of court rolls and a plentiful supply of inhabitants' wills would represent a local historians' paradise. Few of the manorial records held by the North Yorkshire County Record Office contain continuous sequences of any length and where they do the parish and other records for the same periods are often missing or wanting.

Under-use of the North Yorkshire records could also reflect other problems associated with the use of manorial records. Maitland stressed their economic character, that they were originally kept not as evidence of title nor as a record of adjudicated litigation but as a means of checking on manorial officers and fines, amercements and other perquisites received. Ault was of the same opinion but noted that the point of view of later

⁶² M. Y. Ashcroft, 'The Records of a Manor: the Population of Stainton by Downholme in the Middle of the Seventeenth Century', *The Cleveland and Teesside Local History Society Bulletin*, 16 (Spring, 1972), p. 15. Mr Ashcroft has advised me that the records are still little used.

rolls shifted slightly and the interests of suitors were recorded as well as the lord's. Harvey noted that they were written for landlords, not for future historians, and that much of what was obvious to the writer and users of the records is not obvious to us. Not always do the records include what one would expect to find: Hey found that at Myddle in the mid-sixteenth century, when the manorial court ceased sitting every three weeks and recording the lives for tenancies became unsatisfactory, lawyers drew up leases containing the information formerly found in the rolls; and Marjorie McIntosh and Margaret Spufford found that not all land transactions were included in the court rolls for Havering, Essex, and Chippenham, Cambridgeshire, respectively. The use of *ad hoc* documents as an alternative to the court rolls has already been noted. King has argued that the book used by the clerk at court is more valuable than the court roll drawn up later because it contains marginal notes and information not transferred to the formal roll. To the problems of record-loss and omission Macfarlane would add ambiguities, including legal fictions and the absence of punctuation; artificial demarcation of manors; and the fact that women, servants, children and the poor are less well documented in manorial records.⁶³

Provided always that the problems associated with the use of manorial records are borne in mind and that sampling limitations imposed by the time-scale of the research are recognized a comparative local study of some North Riding manorial records, and of call lists and rolls in particular, would be in keeping with the greater use of such records advocated and potentially fruitful.

The North Riding Records

Not all the long-neglected North Riding court records contain sequences of call lists or call rolls which include

⁶³ Maitland, *Select Pleas*, p. xiv; Ault, *Private Jurisdiction*, pp. 142-3; Harvey, *Manorial Records*, p. 8; Hey, *An English Rural Community*, p. 73; McIntosh, *Community Transformed*, p. 102; Spufford, *Contrasting Communities*, p. 78; King, 'Untapped Resources for Social Historians', p. 699; *idem*, 'Leet Jurors and the Search for Law and Order', p. 307; Macfarlane, *Reconstructing Historical Communities*, pp. 201-7. For omissions from records also see Webbs, *Manor and the Borough*, pp. 88-9 and 116.

residents. The records of some 102 early modern North Riding manors are readily available at the North Yorkshire County Record Office.⁶⁴ In seventeen cases no lists of names were found: this does not, of course, mean that lists were never drawn up in the manors concerned but only that lists were not available amongst the papers held at the record office, either because lists were not drawn up during the period covered by the records or because they have not survived amongst those papers. In twenty-one manors lists were found but residents were not mentioned as such and therefore it was assumed they were not comprehensive and were lists of tenants only: some of these lists may have included some residents but it was obviously safer to turn to those manors where residents were mentioned specifically. In forty manors the lists found mentioned residents but the records were not suitable for further investigation, because the period covered was too early or too late, because there were few lists or because the cover was patchy. The need for adequate parish registers several decades earlier than the court records to be researched meant that all lists before the very end of the sixteenth century were deemed too early. The decline of the courts and the existence of censuses and other sources of information about population meant that nineteenth-century lists were deemed too late. In many cases seventeenth-century and eighteenth-century lists were found but were not in series from consecutive courts and were discarded on that account. More often than not lists from these manors were discarded for more than one of these reasons.

In only twenty-four manors were there regular lists of tenants and residents in sufficient quantity at the time required. Some of these 'short-listed' manors were more suitable for research than others, not least because in a number of cases there were no parish registers available before the period for which lists were extant, and the records for the most suitable were spread thinly enough across the seventeenth and eighteenth centuries and across the riding to narrow the choice considerably. In the event the three manors of West Tanfield, Snape and Well, and Danby were selected.

⁶⁴ The records, which were examined in 1989, are listed in the appendix.

CHAPTER TWO

THE MANORS AND THEIR RECORDS

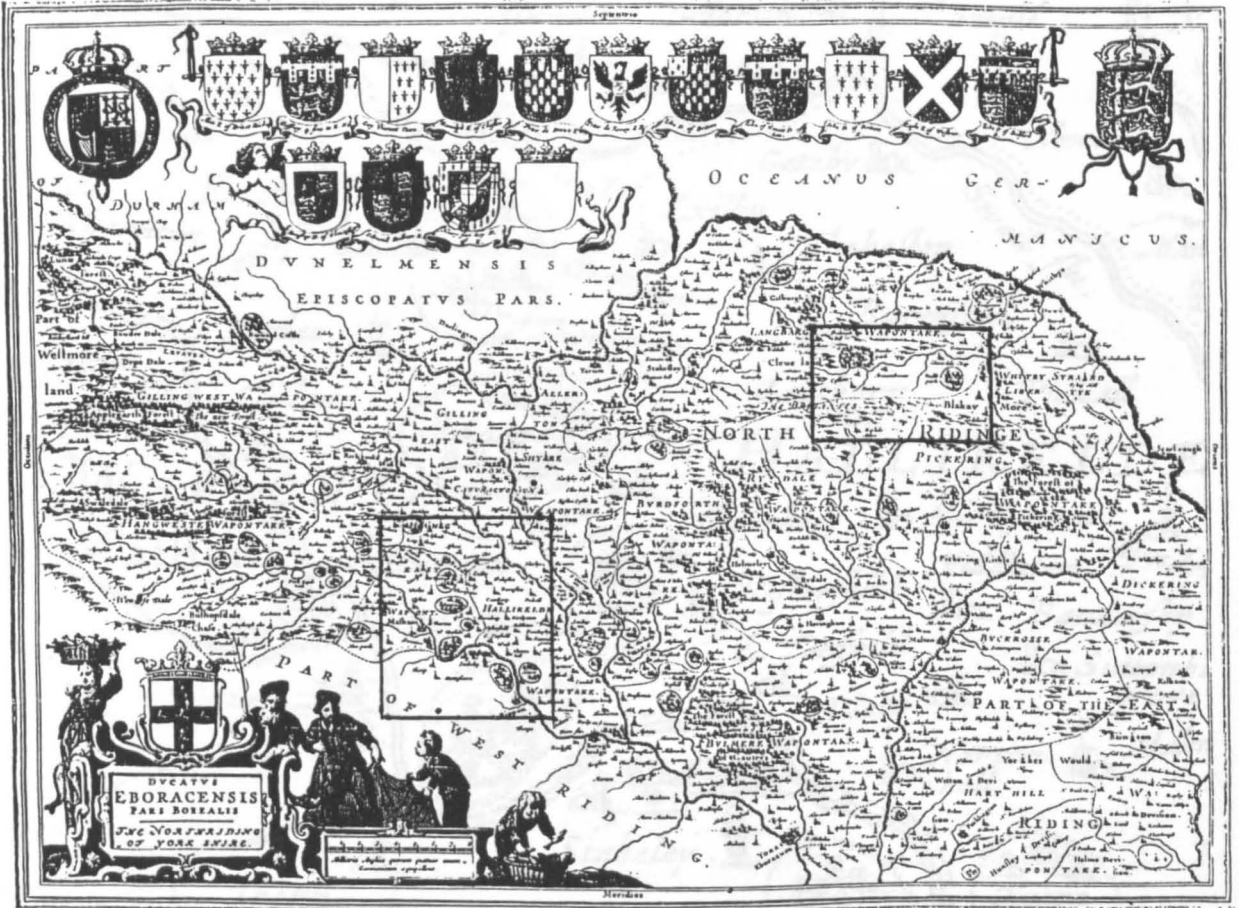
The Manors

The Vale of York, that part of Yorkshire between the Pennines to the west and the Wolds and the North York Moors to the east, stretches from Doncaster in the south to the Tees and the boundary with County Durham to the north. Bishop Tunstall was moved to advise Henry VIII on his progress to York in 1546 that it was 'one of the greatest and richest valleys' he had found 'in all his travels through Europe', 'the breadth about forty miles and the length ... about fifty miles, wherein ... you pass ... seven great rivers and all navigable to the place you pass over or very neare ... all in the road between London and Berwick'.¹ The Manors of West Tanfield and Snape and Well were to be found in the northern part of the Vale of York, more precisely the Vale of Mowbray, just to the west of the present road between London and Berwick, the Roman road which was to become the Great North Road (A1) but known locally to earlier generations as Leeming Lane.²

The village of West Tanfield stands on the north bank of the River Ure some six miles as the crow flies north west of Ripon. The manor was in the hands of the Marmions and then the Parrs. When William Parr, Marquess of Northampton and brother of Katherine Parr the sixth wife of Henry VIII, died in 1570 the manor passed to the crown. The following year it was granted to William Cecil, Lord Burghley, and the part of the manor containing Wath and Carthorpe

¹ Note by William Vavasour, British Library, Lansdowne MSS 900, fols 1-3, quoted in R.W.Unwin, 'Tradition and Transition: Market Towns of the Vale of York, 1660-1830', *Northern History*, 17 (1981), p. 72, and D.Hey, *Yorkshire from AD 1000* (London, 1986), p. 9.

² W.Page (ed.), *The Victoria History of York North Riding*, (2 vols, London, 1914), 1, p. 390. In the early modern period the road from London to Berwick was further east, passing through York and Northallerton: John Ogilby, *Britannia or an illustration of the Kingdom of England and Dominion of Wales* (London, 1675), Plate 8 'The Continuation of the Road from London to Barwick beginning at York and extending to Chester in ye Street'.



Map 1. Johannes Blaeu's map of the North Riding (1645) showing the areas enlarged in Maps 2 and 3: *Theatrum Orbis Terrarum, sive Atlas Novus* (Amsterdam, 1645), 'The North Riding of Yorkshire'.



Map 2. Detail from Johannes Blaeu's map of the North Riding (1645) showing that part of the Vale of Mowbray containing Wath, Carthorpe, Snape and Well. Atlas Novus, 'North Riding'.

Victoria History: North Riding, 1, pp. 384-6; NY.20/2 19/2
 2 Page. Victoria History: North Riding, 1, pp. 380-3
 3 1886, pp. 250-8

remained in the hands of the Cecils, later Earls of Exeter, at least until 1635.³ Wath and Carthorpe were selected for particular study because they are the only villages in the manor for which there are early extant parish registers. Wath lies some four miles north of Ripon. Leeming Lane was the eastern boundary of Wath parish which included the chapelries of Melmerby, Middleton Quernhow and Norton Conyers but these were separate manors not in the hands of the Marmions' successors.⁴ Carthorpe lies some four miles north of Wath, the road from Wath to Carthorpe running almost parallel with and just west of Leeming Lane. Carthorpe was in the parish of Burneston which also included other townships and villages to the north.⁵

In places the manors of West Tanfield and Snape and Well shared a common boundary, Snape being only some two miles west of Carthorpe and Well two miles south of Snape. Both villages are to be found just east of the Bedale to Masham road, Snape being some three miles from both Bedale and Masham. The manors of Snape and Well followed the descent of Middleham and were in the hands of the Nevilles and Latimers; the Hospital of Saint Michael at Well, the only medieval Yorkshire hospital to survive the Reformation with its revenues scarcely diminished, was founded by Ralph de Nevill in the fourteenth century and the castle at Snape was built by George Neville, first Lord Latimer, in the fifteenth century. In 1577 the merged manor passed into the hands of Thomas Cecil, second Lord Burghley and from 1605 the Earl of Exeter, through his marriage to

³ When William Cecil's grandson William, Earl of Exeter, died the manor was part of the inheritance of his second daughter, Diana, who married first the Earl of Oxford and second Thomas Bruce, the Earl of Elgin. The manor remained with the Bruces until in 1886 it was purchased by the Artons. In the formal titles to the courts leet and baron in a book covering courts held at West Tanfield from 1625 to 1635 the lord is shown as Henry, Earl of Oxford, in April, May and June 1625, and Lady Diana, Dowager Countess of Oxford, thereafter. But the record of the court baron held on 4 November 1626 shows the dowager countess as lord 'for the townships of West Tanfield and East Tanfield and other townships and hamlets within the parish of West Tanfield' and the lord 'for the township of Wathe and Carethropp xc' is shown as William, Earl of Exeter, Baron Burghley. This division between the dowager countess and the earl then prevailed. Page, *Victoria History: North Riding*, 1, pp. 384-6; NYCRO/Z.19/2.

⁴ Page, *Victoria History: North Riding*, 1, pp. 390-3.

⁵ *Ibid*, pp. 356-8.

Dorothy co-heir of John Neville, fourth Lord Latimer, and his descendents were lords of the manor for over two hundred years. It follows that early in the seventeenth century the lordships of Snape and Well and of the Wath and Carthorpe element of West Tanfield were in the same hands.⁶

William Cobbett, who travelled from Leeds to Newcastle in September 1832, has provided a good description of farming in the Vale of Mowbray. He entered the North Riding from Ripon and travelled north to Darlington and he therefore probably travelled along Leeming Lane. He 'looked with particular care on the sides of the road all the way through Yorkshire' and expressed his surprise at finding little corn was grown:

A very small part, comparatively speaking, is *arable* land; and all the outward appearances show, that that which is arable was formerly pasture.

All along the road from Leeds to Durham I saw hardly any wheat at all, or any wheat stubble, no barley, the chief crops being oats and beans mixed with peas. These everywhere appeared to be what we would deem most miserable crops. The oats, tied up in sheaves, or yet uncut, were scarcely ever more than two feet and a half long, the beans were about the same height, and in both cases the land so full of grass, as to appear to be a *pasture*, after the oats and the beans were cut.

But this by no means implies that these are beggarly counties ... They are not *agricultural* counties; they are not counties for the producing of bread, but they are counties made for the express purpose of producing meat; in

⁶ L. A. S. Butler (ed.), *The Archdeaconry of Richmond in the Eighteenth Century: Bishop Gastrell's 'Notitia': The Yorkshire Parishes 1714-1725*, (Yorkshire Archaeological Society Record Series, 146, 1986), (Leeds, 1990), p. 10; T. Horsfall, *Notes on the Manor of Well and Snape* (Leeds, 1912), chapters 2-5; Francis Lord Latymer, *Well* (London, 1922), pp. 22 and 40-1; T. D. Whitaker, *An History of Richmondshire in the North Riding of York* (2 vols, London, 1823), 2, pp. 78-9; Page, *Victoria History: North Riding*, 1, pp. 348-51 and 384-6.

which respect they excel the southern counties, in a degree beyond all comparison.

He noted the large quantity of turnips grown, not to feed sheep as in the south but raised for feeding cattle in winter. He concluded that 'This then, is not a country of farmers, but a country of graziers; a country of pasture, and not a country of the plough; and those who formerly managed the land here were not husbandmen, but herdsmen.' He added 'these are by nature counties of pasturage, and ... they were formerly used solely for that purpose'.⁷

Cobbett's observations were not inaccurate. In 1794 John Tuke had written in his *General View of the Agriculture of the North Riding* that 'The country ... on the West side of the road from Boroughbridge to Leeming, is generally a turnip soil, though of various qualities, consisting of a loamy soil upon lime-stone, a gravelly loam, and a rich hazle loam; except that in some parts there are patches of swampy ground, and cold clay land.'⁸ And an analyst of late seventeenth-century Yorkshire wills, which included the study of wills covering 430 farms in the plain of York, concluded that 'cattle can be regarded as the backbone of seventeenth-century Yorkshire farming, almost irrespective of district'.⁹

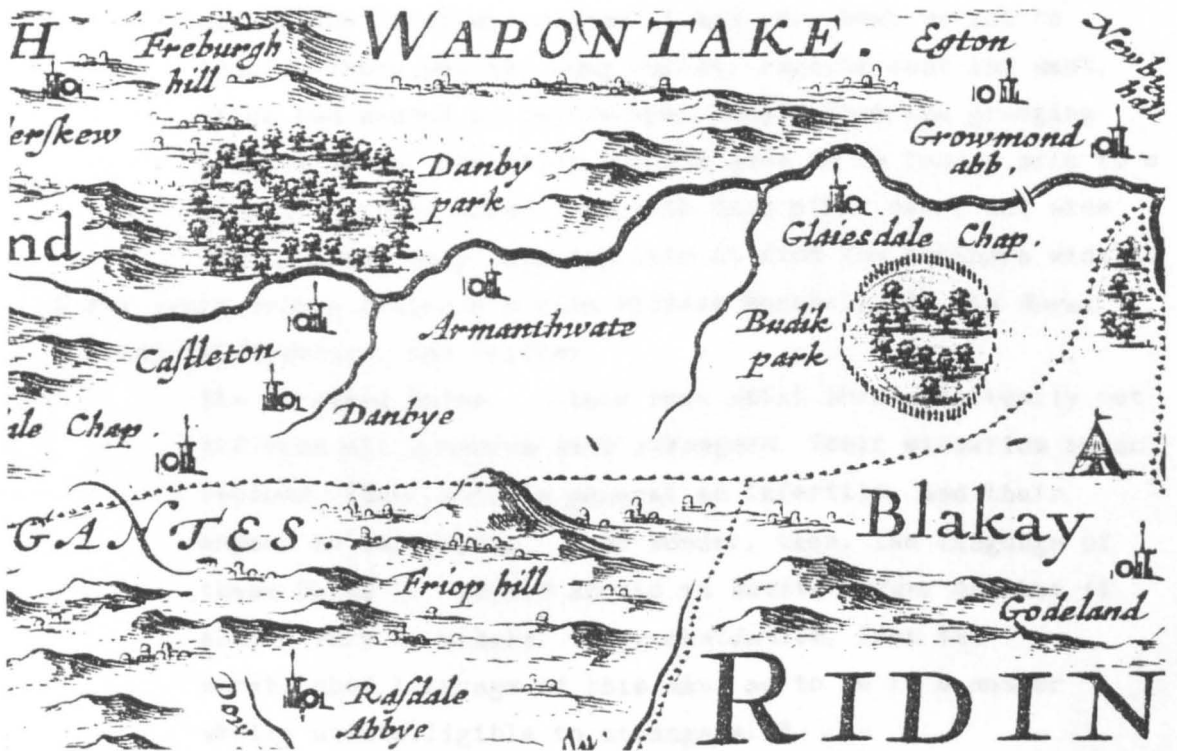
For a description of the manor of Danby, on the North York Moors almost forty miles north-east of Snape, we turn to the Rev. J. C. Atkinson. In his classic *Forty Years in a Moorland Parish* he described his ride the twelve miles west from Whitby to take up the living of Danby in 1847 and his description included the isolation of Eskdale when viewed from Danby Beacon above the village:

Before me looking westward was moor, so that I could see nothing else. On either side was moor, with a valley on the left, and on the right, to the north, an expanse of cultivated land beyond. Across the valley just named there was moor again; and the valley was, it was clear, but a

⁷ W. Cobbett, *Rural Rides* (London, 1830), 'A new edition ... by James Paul Cobbett' (London, 1853), pp. 620-7.

⁸ J. Tuke, *A General View of the Agriculture of the North Riding of Yorkshire with Observations on the Means of its Improvement* (London, 1794), p. 13.

⁹ W. H. Long, 'Regional Farming in Seventeenth-Century Yorkshire', *Agricultural History Review*, 8 (1960), p. 113.



The manor was the principal territory covered by the manor which included the parts of the parishes around the tithes of Castleton, Danby, Armanthwate and Glaiesdale and encompassed the subsidiary tithes of Danby Dale, Little and West Fryup and Glaiesdale with the woodland between them.

The manor was also in the hands of the Nevilles and Giffards. Like the manor of Gaepe and Well it was held by John

Map 3. Detail from Johannes Blaeu's map of the North Riding (1645) showing Eskdale and the area covered by the Manor of Danby: *Atlas Novus*, 'North Riding'.

...the manor of Danby passed through her sister Elizabeth to Sir John Dames. The executors of his descendant and namesake sold the manor to John Dames, later Viscount Dames, in 1659 and the present

¹ See J. H. Atkinson, *Forty Years in a Moorland Parish* (London, 1891), p. 25.

² *Ibid.* pp. 21 and pp. 161-3 for Atkinson's unusual description of the tithes' positions vis-a-vis each other.

³ J. H. Dames, *The Rural Economy in Yorkshire* (2 vols, London, 1783), Volume II, (London, 1784), 2, pp. 295-6.

narrow one; while behind me, as I knew, lay three good miles of moor ... It was a wild as well as lonely solitude.¹⁰

But he also described how he came to

one of the loveliest scenes it had ever been my lot to behold. There was the long valley, running east and west, which had seemed so narrow when beheld from the grudging heights above, and which was now seen to be from a mile to a mile and a half broad, and with dale after dale, not wide but long and deep, opening into it from the southern side.¹¹

Sixty years before Atkinson's ride William Marshall, in his *Rural Economy in Yorkshire*, had written

The Moreland Dales ... have been still more effectually cut off from all converse with strangers. Their situation is so recluse, their soil in general so infertile, and their aspect so uninviting ... No wonder, then, the language of these Dales ... should abound in native words; or that it should vary so widely, in pronunciation, from the established language of this day, as to be in a manner wholly unintelligible to strangers.¹²

This was the isolated terrain covered by the manor which included the parts of upper Eskdale around the hamlets of Castleton, Danby, Lealholm and Glaisdale and encompassed the subsidiary dales of Danby Dale, Little and Great Fryup and Glaisdale with the moorland between.

The manor was also in the hands of the Nevilles and Latimers. Like the manor of Snape and Well it was held by John Neville, fourth Lord Latimer, until his death in 1577. Whereas Snape and Well passed to the Earl of Exeter through Neville's daughter Dorothy the manor of Danby passed through her sister Elizabeth to Sir John Danvers. The executors of his descendant and namesake sold the manor to John Dawnay, later Viscount Downe, in 1655 and the present

¹⁰ Rev. J. C. Atkinson, *Forty Years in a Moorland Parish* (London, 1891), p. 40.

¹¹ *Ibid*, pp. 42 (and pp. 181-3 for Atkinson's unusual description of the dales' positions vis-a-vis each other.)

¹² W. Marshall, *The Rural Economy in Yorkshire* (2 vols, London, 1788), Second Ed. (London, 1796), 2, pp. 295-6.



Map 4. Map of the Danby Area showing Eskdale with, from west to east, Castleton, Dale End [Danby], Lealholm and Glaisdale, and Danbydale, Little Fryup, Great Fryup and Glaisdale. (Part of the map facing p. 184, Atkinson, *Forty Years in a Moorland Parish.*)

Lord Downe is still lord of the manor.¹³

Life for the tenants and residents in the dales and on the moors no doubt differed somewhat from the life of their opposite numbers in the Vale of Mowbray. The analysis of late seventeenth-century Yorkshire wills showed that farms in the North York Moors were then worth only two-thirds the value of their Vale of York counterparts: the average valuations of farms in the moors and on the plain were forty-seven pounds and seventy-two pounds respectively. The moors farmers kept more cattle and, not surprisingly, grew less corn and kept more sheep. They kept more oxen than horses. The proportion of moors houses with only one or two hearths was somewhat higher than the mean for the riding.¹⁴

The three manors selected provide opportunities for both comparisons and contrasts. The Wath and Carthorpe element of the manor of West Tanfield and the manor of Snape and Well were in the same hands early in the seventeenth century but the former had been acquired by purchase only in 1571 and the latter only in 1577 through marriage. The lords were absentees and we will find the manors were run differently by different stewards. Although in the same manor, the villages of Wath and Carthorpe are some four miles apart with other villages between and they were in different parishes. Snape and Well are adjacent villages only two miles apart sharing a common church. Whereas there seems to have been little contact between the villagers of Wath and Carthorpe other than through the manor court we will see there was considerable contact between the people of Snape and Well; they inter-married, moved between and often held land in both villages, and these relationships meant they not infrequently sued each other in the court baron. The

¹³ J. Davison, *The Manor, Lordship and Castle of Danby* (Whitby, 1964), pp. 79-165; Page, *Victoria History: North Riding*, 2, pp. 336-8; Atkinson, *Forty Years in a Moorland Parish*, pp. 286-93.

¹⁴ Long, 'Regional Farming in Seventeenth-Century Yorkshire', pp. 105-6; Marshall, *Rural Economy*, 2, p. 271; E. Kerridge, *The Agricultural Revolution* (London, 1967), pp. 169-70. Purdy described the 87.0% proportion of North Riding houses with one or two hearths as 'massive' (the West and East Ridings were 78.0% and 82.5% respectively) yet Danby had 94.0% and Glaisdale 95%: J.D. Purdy, 'The Hearth Tax Returns for Yorkshire', (Unpublished M.Phil. thesis, University of Leeds, 1975), pp. 206 and 317.

geographical contrast between the Vale of Mowbray manors and the Manor of Danby is obvious and the farming differences have already been noted. It is some seven miles along the Esk from Castleton through Danby and Lealholm to Glaisdale on the opposite side of the manor so it would be surprising if the occupiers of the remote dale and moorland homesteads had the Snape and Well homogeneity. But isolated as they were and in the same parish they would perhaps be closer than the villagers of Wath and Carthorpe.

Whether a manor in itself constitutes a 'community' is debatable. Some have sought the community in the manorial courts but others have sought it in the villages within a manor. The manorial court has been described as embracing two jurisdictions which corresponded to the two-fold character of the manor itself: a private one through which the economic activities of the suitors were regulated and which corresponded with the private estate; and a public one through which misdemeanours were corrected and which corresponded with the community. In the same vein it has been observed that the manorial court remained active for well over a thousand years 'because the rural community of which it was the organ so long remained the foundation of English society' and the court leet has been described as 'the public expression of the village community'. If 'the heart of a manor lay in its courts' and the community was to be found in the manorial courts then it could be argued a manor was indeed a community.¹⁵

However, Lawney pointed out that the manorial court's involvement in discovering and checking breaches of manorial custom does not necessarily imply any highly developed communal organization of village life. The kings' courts treated members simply as holders of individual rights which they on occasions exercised jointly: 'at the touch of the law ... the communal element ... seems to crumble away. If to the peasants, a manor was a more or less self-conscious community ... it was, to the eye of the common lawyer, a collection of individuals bound together by their relation

¹⁵ R.B.Pugh, *How to Write a Parish History* (London, 1879), Sixth Ed. (London, 1954), p. 62; A.Harding, *The Law Courts of Medieval England* (London, 1973), pp. 16 and 116; E.Kerridge, *Agrarian Problems in the Sixteenth Century and After* (London, 1969), p. 24.

to the manorial authorities.' Nevertheless, he concluded that the possible argument that the manorial court was only a temporary alliance was incomplete because the common interest of the villagers was a permanent, not merely a passing, ground for co-operation; villagers habitually acted together, perhaps often in mere adherence to a customary rule but custom did not work by itself and men had to make it work. He preferred to look for evidence of communality not in the courts but in the co-operation required, for example, to regulate the use of commons and the constant readjustment of regulations to that end. Laslett too found evidence of communality in the people working together on the land and noted that this communality was to be destroyed. Elsewhere the people within a manor have been described as 'a community of shareholders in husbandry'.¹⁶

Vinogradoff suggested that, although the manor was an element for cohesion and the joint liability of manorial tenants was a potent factor for communalism, the evidence of communities is in the townships, not the manors. He saw clear evidence of communal organization for administrative purposes in the collection of taxes, the administration of justice and policing arrangements and pointed out that 'in most cases it is not the manor itself which appears on the scene, but the township or vill underlying it ... the local unity does not act through the lord of the manor, but through chosen or customary representatives of a community, a "commune" of its members.' More recently Hoskins has advocated the study of villages rather than manors and concentration on the manor rather than the village has been criticized as presenting an unreal picture of village society.¹⁷

The court and practical-co-operation approaches have been combined in an analogy drawn with the modern local

¹⁶ R.H.Tawney, *The Agrarian Problem in the Sixteenth Century* (London, 1912), Torchbook Ed. (New York, 1967), pp. 160-1, 244 and 404; P.Laslett, *The World We Have Lost* (London, 1971), Third Ed. (London, 1983), pp. 12 and 60; Miss L.C.Latham, *The Manor*, (Historical Association Leaflet No. 83 1931), p. 3.

¹⁷ P.Vinogradoff, *The Growth of the Manor* (London, 1904), pp. 313, 318, 323-4 and 361; W.G.Hoskins, *Local History in England* (London, 1959), Third Ed. (London, 1984), pp. 76-7; Razi, 'Toronto School's Reconstruction of Medieval Peasant Society', p. 141.

authority; the courts were concerned with practical arrangements designed for the well-being of the community and thereby not only preserved the rights of the lord but administered the community fairly and efficiently.¹⁸

Although Wath and Carthorpe shared the manorial court with the other villages in the manor their tenants and residents were listed separately and the separate officers for each village made separate presentments. Snape and Well also had separate call lists and separate officers and presentments. In each case the manorial records tend to show not that the manors were communities but that the villages were separate communities separately administered although through a common court; practical co-operation was between villagers in each village rather than between villages. We will see that the civil juries at the courts baron comprised men from more than one village but this exception tends to emphasize the separateness of their villages because some independence in civil trials would be desirable. The Vale of Mowbray villages had been manors in their own right and their fusion into bigger manors no doubt reflected administrative convenience rather than any sense of community spirit. In the Manor of Danby the hamlets did not have separate call rolls and juries but the manor was administered in two parts, Danby and Glaisdale. We will see that the parish registers were similarly administered and that Glaisdale was to become a parish in its own right. It would seem that the Eskdale hamlets fell into two groups and that there were perhaps two 'communities' in the manor.

Macfarlane has, in any case, described the idea that there were stable and tight-knit communities in the past as a myth and differentiated between 'community studies' which he accepted as a method of study and the study of a 'community' which he rejected because it treats the community as a theoretical concept and assumes it reflects reality. He advocated the selection of a small bounded collection of items as a convenient focus for analysis in keeping with 'community studies' in the first sense but warned that the collection of the data should not be allowed to persuade the

¹⁸ Hey, *An English Rural Community*, pp. 228-9.

investigator that he really is studying a 'community' in the second sense.¹⁹ This study of the three North Riding manors is not then a study of communities, whether found in the manors, the courts, the villages or the co-operation between villagers, but a study of several villages in their respective manors as a 'convenient focus' for analysis. It is not pretended that the study will be a full community study on the lines of some recently published village studies. But if manorial documents are to be used as one of the tools in such studies then honing this tool by the type of detailed investigation envisaged in this thesis is an important objective.

Before selecting the three Cambridge parishes she studied for *Contrasting Communities* Margaret Spufford addressed the question of 'What is normal?' and concluded that there is no such thing as a normal parish.²⁰ Similarly there is no such thing as a normal manor or court leet. But examination of the selected courts should provide a picture of the kind of courts to be found in the North Riding, perhaps in the north generally, which should add to the understanding of local 'communities'.

The Manorial Records

The West Tanfield court book appears to contain the record of every court held from 20 April 1625 to 26 March 1636. Marginal notes, erasures and omissions indicate the book is the less formal record kept by the clerk at the court and not the formal record made up later. The book was kept in Latin except when the juries' pains were recorded and very occasionally when a jury reported on a matter out of the ordinary and at length.²¹

¹⁹ Macfarlane, *Reconstructing Historical Communities*, pp. 1-4. Also see Margaret Stacey, 'The Myth of Community Studies', *The British Journal of Sociology*, 20 (1969), pp. 134-45.

²⁰ Spufford, *Contrasting Communities*; *idem*, 'The Total History of Village Communities', *The Local Historian*, 10 (1973), pp. 398-401.

²¹ NYCRO/Z.19/2. The Jervaulx Abbey estate papers also include court rolls from the fourteenth to the seventeenth centuries and a late sixteenth-century court book: NYCRO/ZJX and NYCRO/Z.19/1. For pains, or manor bye-laws, see Vinogradoff, *Growth of the Manor*, pp. 187-9 and 312; Webbs, *Manor and the Borough*, pp. 16 and 27; Kitchin, *Jurisdictions*, pp. 158-9; Jacob, *Complete Court Keeper*, p. 443; Scroggs, *Practice of Courts Leet*, pp. 111-14.

The 'Court Leet with View of Frankpledge' was held at Easter and Michaelmas and always at West Tanfield. The court-leet records include lists of free tenants, tenants and resiants in separate lists for each village in the manor and the verdicts of four separate juries including those of the juries for Wath and Carthorpe.²² Each verdict includes the names of the jurors and ends with any pains and the names of the affeerors. Non-criminal manorial offences were almost always included in verdicts presented at the leet but very occasionally a verdict was presented at the court baron. Civil cases were also heard at the leet which included a court baron.

Courts baron proper were held regularly between the courts leet, also at West Tanfield. Their records include details of each civil case heard including the names of the parties with particulars of the debt, trespass or other action and details of any adjournment or conclusion short of jury trial. Not infrequently the record also includes the names of the jury and their decision. The court was also used for their civil actions by suitors from the separate manor of Leeming and Exelby.²³

As an apparently complete record of the transactions of the manor's courts with lists of tenants, resiants, jurors and affeerors over a period of eleven years the West Tanfield court book appeared ideal for further investigation.

The lists of free tenants, tenants and resiants are apparently complete lists of all suitors to the court. The names are not in vertical lists but in sequential blocks as illustrated in Plate 1. Above each name the clerk marked whether the person attended or the reason why not but occasionally he omitted to make a mark. By

²² The lists for other villages are almost always followed by lists of 'desinariii' but never those for either Wath or Carthorpe.

²³ Some of the court-leet records include lists of free tenants from Exelby, Leeming, Newton, Hipswell, Upsland and Scabbed Newton, villages north of Carthorpe, and many plaintiffs and defendents from these villages appear in the court baron records.

Tenentes dñi in Carethrop.

Robtus Dauby Anna Lynken vid, Joesp Hoby
Francisus Brunton Joesp Birker, Francisus
Iles Robtus Wilson Thos Gule Joesp
et Jua & fidelitate, Joesp Dauby Anna Raper vid
Willelms Tabb, Johanes Linnley, Isabella -
Tizman vid Francisus Tizman et Thos
Harker et quia computat hoc esse Franc.

Reliantes tibi

Thos Dauby, Joesp Hoby Roguinus Lubington
Argurus Todiswore Georgius Wilkinson et
Jacobus et qui non prout sed qui defalt
foron and ... sup eoz rapita notant -

Tenentes dñi in Wath.

Joesp Smig, Sampson Stokley Johanes
Barnes, Joesp Dowley, Thos Jarlson
Joesp Watson, Margarita Smig vid Joesp Wallers

Plate 1. Part of a call list in the West Tanfield court book (20.4.1625).

The sequential blocks of tenants of the lord 'in Carethrop', residents there and the first of the Wath tenants are shown with the marks above their names. The Carthorpe tenant John Toes attended and swore fealty to the lord. The Carthorpe widow and tenant Anna Raper was represented by her son.

recording the suitors in sequential blocks with marks over their names the steward, Geoffrey Adamson, followed the advice given in some stewards' guides: Wilkinson and Kitchin both advocated entering amercements for default above the names.²⁴

Defaulters in the call lists did not appear as such separately in the juries' verdicts in the book nor in the six formal court rolls available in the archive.²⁵ An unexpected finding when the attendance marks in the book were compared with the rolls was that in all but one of sixty-five cases the absence of marks was repeated and indeed in twelve cases where the book contained marks the roll did not. In four cases marks had changed. It would seem the book is a better record of attendances than the rolls. None of the civil cases were transposed into the rolls and there are other omissions: the Carthorpe free tenants were omitted from one roll, the Carthorpe tenants and resiants from another, and the appointments of two bilawmen from a third.²⁶ Thus the West Tanfield court book supports King's argument that such books are more valuable than court rolls proper.²⁷

The court rolls and associated records held for the manor of Snape and Well include an almost complete series of rolls for the courts held from 1611 to 1621 with miscellaneous call rolls, presentments, jury lists and other court records for the same period. Court rolls are available for nineteen of the twenty-two courts leet held twice each year and *inter alia* they usually provide

²⁴ Wilkinson, *Manner and Forme how to keepe a Court Leete*, quoted at Harland, *Court Leet Records of the Manor of Manchester*, p. 19; Kitchin, *Jurisdictions*, p. 103. Where new tenants are recorded as having been sworn no marks appear above their heads but it is assumed they were present to be sworn.

²⁵ NYCRO/ZJX/3/1/150-3.

²⁶ NYCRO/ZJX/3/1/152, 153(ii) and 150(iii).

²⁷ 'Untapped Resources for Social Historians', p. 699; 'Leet Jurors and the Search for Law and Order', p. 307.

lists of free tenants, tenants and resiants; resiants are listed only from the Michaelmas 1614 court. Other deficiencies are resolved by the *ad hoc* documents and the picture presented is almost complete. These records, for a period almost the same length as the period covered by the West Tanfield court book and only a decade earlier, are almost ideal for comparisons between the adjacent manors.²⁸

The records include separate call rolls for six of the courts leet. Comparison showed the call rolls contained twenty-two deleted names, the names of two aletasters and an amercement for swearing in court not to be found in the court rolls. But the call rolls were marginally less accurate as an attendance record in that whereas they provided marks in five cases where the court rolls gave no marks the court rolls gave marks in twenty-one cases where there were no marks in the call rolls. In only ten cases were there different marks when both rolls contained marks. The six call rolls therefore proved to be a useful source of some extra detail but of little significance in assessing attendance rates.²⁹

The Minster Library at York holds court rolls for the six leets held from Michaelmas 1618 to Easter 1621 but they are not exact copies of the rolls for the same courts to be found at Northallerton. Here and there information given in one set is missing from the other and occasionally the information given differs, including some marks in the call lists. According to the Minster rolls twenty-one more persons attended the six courts but we shall see that many of the extra 'attendances' were actually through a third party and there is no reason to doubt the general attendance

²⁸ 1/109-179 and 3/33-91. There are five presentments and two call rolls, one including pleas, to compensate in part for the missing rolls for Michaelmas 1613 and 1615 and Easter 1616: 3/43, 3/44, 3/52, 3/56 and 3/57; 1/130 and 1/135. Civil pleas are missing from two rolls (1/161 and 1/177) but separate pleas are available in two cases: 1/160 and 3/91. There are no verdicts in three rolls (1/109, 1/112 and 1/177) but there are two presentments to make up the deficiency in part: 3/87 and 3/38. The only pains surviving are a set at 3/89, repeated at 1/174, and a single pain at 3/37.

²⁹ 1/149, 3/62, 3/65, 3/71, 3/80 and 3/85.

picture given by the Northallerton rolls.³⁰

The records of the courts leet and baron held at Snape are much the same as those of the West Tanfield courts. The court rolls were kept in Latin but the *ad hoc* documents were usually written in English. The Snape call lists are sequential blocks of names but the call rolls are in columns with the marks entered after the names, as illustrated in Plate 2. The marks on the lists early in the period are suspect and only from the Easter 1615 court roll do we find the full range of marks found thenceforth throughout the rolls and at courts elsewhere.³¹

The seneschal, or steward, named in the early rolls was Marmaduke Wilson. Thomas Ascough who succeeded him seems to have been responsible for the improvement in the call-list marks and wielding a new broom it seems he was also responsible for other improvements in the rolls. Resiants were listed only from Michaelmas 1614. The Well tenant list was split from Michaelmas 1615 into separate lists of tenants of the lord and 'Tenants of the Lands of the Master and Hospital in Well'. The order in which the tenants were listed changed markedly and new names may have been added for the mean number in the last five merged lists was 52.6 whereas the mean in the next five lists was 62.4. In the two years 1614 and 1615 twelve new tenants

³⁰ York Minster Library MAN/SNA/1. The differences include persons omitted from call lists: John Williamson (1/157), Thomas Crowe (1/161), and John Saville (1/167); and extra details: John Mayson's second essoin is shown as 'ut supra' which proves both Mayson entries refer to the same man (1/161); Edward Kirkby is shown as 'of Ripon' (1/170); and Francis Gibson's forename is given whereas it was omitted from 1/174. The Minster rolls give four marks where there are no marks in the Northallerton rolls but the latter give nine where there are no marks in the former. In thirty-eight cases the marks given differed. It is not obvious why these copies of rolls for the same courts containing the same call lists, verdicts and pleas differ in some detail. Neither set includes amendments indicating they are drafts. Although one set must have been produced after the other and presumably the differences reflect corrections there is nothing in the rolls to indicate clearly which were written first.

³¹ The lists for the Easter courts in 1611, 1612 and 1613 have only a few default marks: 1/109, 1/110 and 1/113; the Michaelmas courts in 1611 and 1612 have attendance and default marks but no essoins, sickness or other excuses, and many unmarked names: 1/105 and 1/112; the lists for both 1614 courts have attendance and excused marks with a few essoins: 1/115 and 1/119.

were first listed, in the other nine years about half that number. The number of free tenants listed increased from three to seven. The improvements provide a reminder that the quality of manorial court records depends greatly on the efficiency of the steward.³²

The next sequence of usable records covers the period from 1671 to 1685.³³ There are no full court rolls but the call rolls, presentments, estreats, jury lists and other documents provide most of the information the court rolls would have contained. The comparison between court and call rolls for the earlier period showed the latter to be marginally less accurate but there is no reason to doubt the general picture given by the call rolls.³⁴

The call rolls cover a whole year and it would seem the courts leet were no longer held at Easter. The names are listed in single columns as illustrated by Plate 3. Well hospital tenants were no longer listed separately. In 1685 the 1684 roll was used again and the same roll was probably used yet again in 1686, the marks being entered in columns as illustrated by Plate 4. The change in format coincided with a change of steward for Francis Wood, who had succeeded Leonard Robinson in 1672, was himself succeeded by John Conyers in 1684.³⁵ Seven of the call rolls end with notes of civil

³² Wilson was seneschal at Easter 1612 and Ascough at Easter 1615 and regularly thereafter: 1/110, 1/125 *et seq.* More courts were held at Little Haywood and at Cannock and Rugeley, Staffordshire, after the appointment of a new steward: Pamela R. Morris, 'The Manor of Little Haywood and its Small Court, 1550-1600', (unpublished M.A. thesis, University of Keele, 1988), p. 68.

³³ Only five court rolls survive from the thirty years after 1621 and none thereafter: NYCRO/ZAL/1/1 includes court rolls for 1622, 1633, 1634 (two) and 1652 but nothing more until presentments from 1672 to 1684 at 1/189-209. The miscellaneous documents peter out after 1638 but resume from 1670 to 1686 before petering out again: NYCRO/ZAL/1/3 includes eleven miscellaneous documents from 1622 to 1638 but nothing more until similar documents from 1670 to 1686 at 3/103-142.

³⁴ Call rolls are available for ten years: 3/106, 3/109, 3/114 and 3/119 (1671-4); 3/123 and 3/125 (1676-7); 3/136 (1681); 3/139 and 3/141 (1683-5). Presentments and estreats in both files leave only one year uncovered for both villages (1685) and three years for Snape (1671, 1674 and 1675). Information about Well leet jurors is available for every year and their opposite numbers at Snape for thirteen years. We know the officers for both villages for nine years and those for Well for one more year. The additional marks provided by the court rolls represented only 1.1 per cent of the whole.

³⁵ 3/105, 3/106, 3/109, 3/139, 3/141 and 3/143.

Mansd Id Enops / Gar Barr / scilicet frons aldy in regis
d'antid. fohdo fomat fohdo hnd
tertio quark die Octobris Anno dmi
1671 Charles Enops Vicem Comand
Königlich Sondfroh: iten.

liberi tenentes

- Edw: Dwyer / Lord in Linton sup the — Ef.
- Tho: Dwyer / Tho: Dwyer for land in Linton — Ef.
- Jo: Dwyer / Tho: Dwyer for land in Linton — Ef.
- Tho: Dwyer / Tho: Dwyer for land in Linton — Ef.
- Edw: Dwyer / Tho: Dwyer for land in Linton — Ef.
- Jo: Dwyer / Tho: Dwyer for land in Linton — Ef.
- Tho: Dwyer / Tho: Dwyer for land in Linton — Ef.
- Edw: Dwyer / Tho: Dwyer for land in Linton — Ef.
- Jo: Dwyer / Tho: Dwyer for land in Linton — Ef.

Tenants in Cnize

- Jo: Dwyer
- Tho: Dwyer
- Edw: Dwyer
- Jo: Dwyer
- Tho: Dwyer
- Edw: Dwyer
- Jo: Dwyer
- Tho: Dwyer
- Edw: Dwyer
- Jo: Dwyer
- Tho: Dwyer
- Edw: Dwyer
- Jo: Dwyer
- Tho: Dwyer
- Edw: Dwyer
- Jo: Dwyer
- Tho: Dwyer
- Edw: Dwyer
- Jo: Dwyer
- Tho: Dwyer

Plate 3. Part of the 1671 Snape and Well call roll (3/106).

The free tenants and the first of the tenants in Snape are listed in a single column with the marks after their names. All the free tenants were essoined except the Byerley heirs who 'ap. by Jo. Clarkeson'.

V	X	W Thomas Hunt gen
V	V	Johs Horner
V		John K. ...
V	V	Willms Gatenby Junr
V	V	Johs Gatenby Junr
V	V	Margret Dimpdale wid
V	V	John Gill most John Gill
V	V	John Straw wid
V	V	Thomas Landley
V	V	Willms Baynd
V	V	Willms Hutjinson
V	V	Willms Harrison
V	V	...
V	V	Georgius Cooke Junr
V	V	John M. ... Margaret Hunt
V	V	Thomas Saville
V	V	Margret Hunt wid Anna Hunt
V	V	John Clapham
V	V	Mathous Harcourt
V	V	Thomas Brown
V	V	Symul? Stope
V	V	Johns Grott
V	V	Johns Platt
V	V	Edw. Danby gen
A. Deacons in Snape?		
V	V	Robert Thouson
V	V	Robert Theraid
V	V	Ellena Affirby wid
V	V	Marrattonson wid
V	V	Johns Hertus Thouson
V	V	Robert Ward
V	V	Herringtons Copham

Plate 4. Part of the 1684 Snape and Well call roll (3/141).

The roll was used again in 1685 and probably in 1686. It is not clear from the roll which marks applied to which year and when changes of names took place.

cases and the records contain one other separate list of Michaelmas pleas; eight sets of pleas is an inadequate sample of civil courts if they were held regularly over fifteen years.³⁶

The next sequence of Snape and Well records starts in 1727 and continues more or less unbroken to 1793; the first and last ten years of this sequence were selected for study to continue the comparisons with the earlier periods and to ascertain how the court developed. The courts leet continued to be held only at Michaelmas. Again the records contain no formal court rolls but for most of the twenty years they contain call rolls, separate presentments for each village and lists of jurors and officers for both villages.³⁷

The call rolls for both decades are in much the same format as found in the seventeenth century. The practice of using one call roll to cover several years adopted in 1685 had been abandoned by 1727 and under the stewardships of Thomas Raper and Richard Stewardson separate call rolls were again prepared for each court. Until 1733 the rolls were kept in Latin but English was used thereafter. The rolls no longer list resiants separately, the headings after the free-tenant lists in both decades being 'Snape' and 'Tenants and Resiants in Well' respectively; although resiants are not mentioned in the Snape heading we will see that the lists probably included them. The absence of separate resiant lists means some comparisons with the earlier periods are impossible.

Six of the call rolls for the first decade include particulars of pleas, in some cases heard at the leet but in others heard at courts baron held soon afterwards. It is apparent that the particulars are rough notes of cases later transferred to a more formal record: the entries in the 1731 roll are endorsed 'These

³⁶ 3/109, 3/114, 3/119, 3/123, 3/125, 3/131, 3/136 and 3/139.

³⁷ The documents described are complete for 1727-36: 1/210-50. For 1784-93 there are no documents for 1787 but call rolls and Well presentments are available for the other nine years and lists of jurors and officers and Snape presentments for eight years: 1/439-473. The names of the jurors and officers on the missing list for 1788 are given in the presentments for that year. (Careful comparison with extant call rolls showed that document 1/469, part of a call roll with a list of defaulters, was pre-1784 and therefore not in its correct place in the sequence.)

causes are all carryed into the Court Book' and the entries are similarly endorsed the following two years.³⁹ Again the sample of civil cases seems inadequate. The civil cases heard during the last decade are included in a court book containing the records of courts baron held from 1757 to 1793. The book contains appropriate headings for three-weekly courts but there are no cases entered under most headings: for example, seventeen court headings were entered for 1786 but cases were entered only under the heading for 30 September 1786. In the ten years from 1784 to 1793 cases were entered under the headings for only eight courts baron. Dates in the entries for three of these cases show that courts were held on other occasions to transact business in cases already entered. But given that these are the only three cases where other dates are mentioned and that, as we will see, sixteen of the thirty-nine cases were marked 'agreed' when first entered it seems most unlikely that business was transacted on every occasion when a heading was entered. The evidence in this court book raises the possibility that the few records surviving for earlier periods were not a small proportion of the courts held but the complete records of the few courts held.³⁹

The call rolls, court books and miscellaneous court papers for the manor of Danby form part of the Dawnay family archive. The earliest call roll commences in 1689 and later call rolls cover various periods up to the mid nineteenth century. Of these the call rolls for 1689-1701, 1735-39 and 1786-97 cover periods roughly equivalent to the Snape and Well periods studied and were selected

³⁹ In 1912 when Dr. Horsfall wrote his notes on the manor he had access to 'A Plea Book, No.11, of the Manor of Snape and Well, dated 1727' which contained entries from 1727 to 1757: *Manor of Well and Snape*, p. 236. This would be the book into which the particulars were 'carryed'. It has not been deposited in the County Record Office and the County Archivist believes it is still in private hands.

³⁹ 1/474. Walbron v Hewson was entered at 13 October 1787 and distraint returnable on 24 November 1787 was issued on 3 November 1787. Also see Taylor v Hewson, 25 October 1788, and Moses v Haw (two cases) 27 December 1790, for similar sequences of dates. See McIntosh, *Community Transformed*, pp. 301-3, for the need to be cautious about records of civil cases: at Havering it seems the clerk kept notes in a loose file and did not bother to copy them into the court records.

for comparison purposes. The years 1849-53 covered by the call roll for 1839-53 were also examined to facilitate comparisons with the 1851 census.⁴⁰ The call rolls are supplemented by various other documents in the archive but there are no formal rolls and little evidence of any pleas.⁴¹

The format of all the Danby call rolls is like that introduced by John Conyers at Snape and Well in 1685; the marks are in columns and the roll is made to last several years. The format accords with advice given to stewards by Giles Jacob.⁴² Call rolls in this format are not without their problems. The title of the 1689 roll indicates the year it was commenced but there are no specific dates at the top of each column and it can only be assumed that the columns were annual.⁴³ Where there has been a change of name it is not always clear where the change took effect in the marks opposite. And where there are no marks in the first column(s) and last column(s) it could indicate there was no suitor at that time but it could also indicate there was but the clerk failed to make one or more marks. It follows that in some cases it is impossible to know how long a person was listed and his attendance record. The rolls are often untidy and the names illegible as a result of the sometimes repeated alterations in the names columns. The problems are illustrated by Plate 5 which shows the untidy 1689 roll. Plate 6

⁴⁰ III/3/1-2, 5 and 9. Call rolls for 1739-45 and 1798-1838 were not examined: III/3/3-4 and III/3/6-8.

⁴¹ Presentments cover the years 1689-91, 1693, 1696-98, 1735 and 1739: III/4/3-9 and III/4/11-12; lists of jurors, affeerors and officers cover 1786-97: III/4/66-81; the latter information is also contained in the court book for 1786-1824 which gives further information: one 1789 juror (Robert Peirson), the bailiffs for 1789-94 and 1797, the affeerors for 1790, and a civil case heard at the 1788 leet: III/2/2; lists of persons amerced for digging peat and turf including 1797 and 1851: III/4/82, III/4/172 and III/2/4); a valuation book', c1787 of which a field book (watermark 1795) proved to be a copy: IV/3/3 and IV/3/37; rentals from 1779 to beyond 1797: IV/2/1; the court book for 1825-1901: III/2/3; and pains for 1849: III/4/169.

⁴² *Complete Court Keeper*, p. 60.

⁴³ III/3/1. Confirmation of the courts' intervals are sometimes available from other documents and it has been assumed the 1689 Danby call roll, which has no column dates, was used annually thereafter.

	1786	1787	1788	1789	1790	1791	1792	1793	1794	1795	1796	1797
Robert Lorne			adm	fe	ap	ap	ap	ap	ap	fe	ap	ap
Thos. South	adm											
Robt. Milburn	adm	ap	fe									
John Waller								ap	ap	ap	ap	fe
Thomas Waller												
John Butterwick	adm	ap	fe	fe								
John Butterwick						fe	ap	fe	fe	fe		
John Vonis	adm	ap	ap	ap	ap	ap	ap	ap	ap	ap	ap	ap
George Wood							adm					
John Dale	adm	ap	ap									
Wm. Brough				adm	fe							
John Chapman				adm	fe	adm	fe	fe	fe	ap	fe	
Rich. Shackleton	adm	ap	ap	fe	ap	ap	ap	fe	fe	fe	ap	ap
Robt. Potty	adm		ap	ap	fe	ap	fe					
Thomas Hoggard								fe	fe	fe	fe	
Wm. Hall	adm	ap	ap	fe	ap	ap	ap	ap	ap	ap	ap	ap
Hammond Wadson												adm
John Lindale	adm	ap	ap									
James Huthwaite					fe	ap	fe	ap				
James Green								adm	ap	fe		
Philip Watson											adm	ap
Robt. Williamson	adm	ap	fe	fe	ap	ap	fe	ap				
John Dale					ap	ap	fe	fe	ap	fe	fe	ap
Wm. Dale	adm	ap	ap	ap	ap	ap	ap	ap	ap	ap	ap	ap

Danby Township, ends here.

the reason for absence. This is typical of the call lists and rolls examined for manors elsewhere in the region. The North Riding format

Plate 6. Part of the 1786 Danby call roll (III/3/5).

The roll is better kept: the columns have dates at their heads, the marks for persons newly-listed start on a different line and a line is drawn to indicate when they were not listed.

shows the much better kept 1786 roll which includes lines to indicate that a suitor was not listed in a particular year and marks on a new line opposite new suitors' names. Plate 7 shows the Rev. J.C. Atkinson's admission in 1850: he was vicar of Danby from 1847 until his death in 1900 but the blank spaces after his admittance give no indication of his presence in the parish. The numerous blank spaces elsewhere in the rolls need to be considered in this light. The clerks who kept the rolls were no doubt familiar with the contents and found it easier than making out full separate rolls annually but for research purposes the West Tanfield annual sequential lists and the Snape and Well annual rolls in columns are much easier to use.

The Danby rolls are also poorer because the groups of persons listed are not always separately designated. The 1689 call roll starts with a list of persons not designated and then lists the free tenants of Danby and Glaisdale, the residents of both, and the tenants-at-will in a single list. But in the 1735 roll the separate headings for free tenants, residents and tenants-at-will have gone and a single heading 'Glaisdale' separates the undesignated persons who appear first in the roll from those who appear last. The short title on the 1786 roll indicates that it covers the freeholders, tenants and residents within the manor but they are not separately designated and the list is divided by the endorsement 'Danby Township ends here. Glaisdale Township begins here.' The heading on the first page of the book containing the 1839 roll is 'Names of Freeholders, Tenants, &c' but no longer is the roll divided into Danby and Glaisdale townships.

The call lists and rolls of these North Riding manors were not merely lists of persons who had attended or of persons who had paid to be essoined with those who had been amerced for default. They were lists of all the persons who ought to have attended endorsed to show whether they attended or not and, if not, the reason for absence. This is typical of the call lists and rolls examined for manors elsewhere in the riding. The North Riding formats

	1839	1840	1841	1842	1843	1844	1845	1846	1847	1848	1849	1850	1851	1852	1853
Robert Dale															
John Jackson															
Joseph Barth															
William Thompson															
Thomas Smith															
William Thompson															
John Duke															
William Bartas															
Richard Lambart															
John Jackson (near)															
Leonard															
John Duke															
George															
Mrs. Porritt															
John Jackson															
John Jackson															
John Sanderson															
John Jackson															
John Jackson															
John Jackson															
William Bell Hill															
James Thompson															
John Thompson															
James Thompson															
George Watson															
Richard Wood															
John Thompson															
William															
Thomas Scarth															
Rev. J. C. Atkinson															
Joseph Garbutt															
William Scarth															
John Jackson															

Plate 7. Part of the 1839 Danby call roll (III/3/9).

The original is of poor quality but the Rev. J. C. Atkinson's admission in 1850, three years after his arrival in the manor, can be seen near the foot of the page. He was given no marks the next three years although he remained in the manor until 1900.

are not necessarily found in other counties.⁴⁴

Call Marks

The marks used by the clerks of the three manors in all the call lists and rolls examined are set out in Table 1. With one exception the marks in the 'appeared' column are straightforward, the Latin for appeared being *comparuit*.⁴⁵ The other common marks in the 1689 Danby call roll were used elsewhere and the proportion of suitors marked 'p' (45.1%) indicates it is the missing mark used for those who appeared; the Latin for presence is *praesentia*.⁴⁶ An attendance mark did not always mean that the suitor had appeared in person; some attendance marks were endorsed to show the appearance was actually by [sub-]tenant, father or son and in one case a gentleman tenant at Wath was represented by an attorney.⁴⁷

Some who failed to appear in person were essoined. An essoin was a message, either verbal or written, produced on behalf of the absentee and enrolled by the clerk to protect him against a fine for absence. The essoin should have been produced by one of the suitors present on behalf of the one who was absent and

⁴⁴ At Earls Colne, Essex, only a third to a half of adult males appeared at a single view and the proportion of suitors named rose if the records of several views were combined; it would seem that the Earls Colne stewards listed only those who attended: Macfarlane, *Reconstructing Historical Communities*, p. 119, (but those essoined and the defaulters are shown in the illustration of a view on page 54). That manorial court rolls were economic in character has already been noted and sometimes they list only those who were essoined or who defaulted because only they made a payment. The rolls at Cannock and Rugeley, Staffordshire, and Redgrave, Suffolk, appear to have been of this type: Harrison, 'Social and Economic History of Cannock and Rugeley', p. 118; Dawson, *History of Lay Judges*, p. 210.

⁴⁵ In 1714 Sir William Scroggs advised stewards to enter the attendance of a defendant in a civil case '*viz. comperuit*' [*sic*]: *Practice of Courts-Leet*, p. 168.

⁴⁶ III/3/1. Of the thirty-eight men in the first three Danby juries in this period thirty-four (89.5%) were marked 'p' which accords with high attendance rates found for jurors elsewhere.

⁴⁷ For example, West Tanfield free tenants: Marmaduke Danby: 16.4.1628 and 4.10.1628 and eight other occasions up to 7.10.1635; William Tebb: 31.3.1630, 6.5.1633 and 9.10.1633; Peter Wilson: 11.4.1632 and 4.10.1634; John Tanfield: 9.10.1633; William Hardwick gent.: 9.10.1633 to 7.10.1635.

	Appeared	Essoined	Spared/ Excused	Defaulted	Sick
Snape and Well 1611-21	comp com c'	ess	ref	d	egrot
West Tanfield 1625-35	c'	ess	parc exc	d	infir
Snape and Well 1671	ap	ess	ex	d	-
1672-85	c	ess	parc	d	-
Danby 1689-1701	p	es	parc	d	-
Snape and Well 1727-33	c	ess	parcat	dr	-
1734-36	app	ess	spared	dr	-
Danby 1735-39	appeared app	ess	-	d*	-
Snape and Well 1784-93	app	essd	exd exc	def	-
Danby 1786-97	app	ss ess	ex	def	-
Danby 1849-53	ap	ess	-	d	-

* Also d app, d ess, dd, dd app, dd ess, ddd and ddd ess.

Table 1. Call marks used in the call lists and rolls of the three North Riding manors.

the suitor present should have pledged that the absentee would appear at the next court. Emmison likened them to modern apologies for absence. Later records show essoins had to be paid for.⁴⁹

⁴⁹ Bennett, *Life on the English Manor*, pp. 205-6; Ault, *Private Jurisdiction*, p. 164; Emmison, *Elizabethan Life*, p. 205. Also see D. Stuart, *Manorial Records: An Introduction to their Transcription and Translation* (Chichester, 1992), pp. 6, 13-14 and 18-19. At Little Haywood, Staffordshire, essoins cost 1d whereas defaulters were amerced 2d: Morris, 'Manor of Little Haywood', p. 66; the 1736-48 call roll for Thornton le Moor is endorsed 'Swear freeh 12^d Ten^t 6^d ess 2^d': NYCRO/ZEC/No ref.; (Continued ...

There appears to have been some confusion about essoins at Snape and Well early in the seventeenth century. Sixteen essoins in the Northallerton rolls were recorded as attendances in the Minster rolls. The call roll for one of the four courts involved is extant and names the nine persons who attended instead of the tenants and resiants essoined; the attendances in these cases were 'attendances' by third parties on behalf of those listed. Not all the essoins by named parties were changed to 'attendances' and to compound the confusion five excuses and two defaults at that court were also recorded as attendances in the Minster rolls. Why some represented by third parties were treated as essoins and others as having attended is not clear.⁴⁹

The 'refe' mark used for some persons excused was perhaps an abbreviation for *refert*, Latin for it concerns, it matters. The 'parc' mark used for others is derived from the Latin *parcere*, to spare. The mark 'exc' was used concurrently at West Tanfield but there is nothing in the court book to indicate whether there was a difference between those marked 'parc' and 'exc' or what excuses were acceptable although poverty or extreme age were accepted elsewhere.⁵⁰ In 'Direcons about Courts Leet and Baron', handwritten about 1740 and included in the papers of the Arncliffe, North Riding court, the writer asserts that 'Tenants of the Manor ... owe suit and service to a Court Baron and in strickness ought to appear but it is

⁴⁹ Continued ...) essoins cost 2d at Snape and Well in 1785, 1789 and 1792: 1/446, 1/456 and 1/468; a Malton court book is endorsed 'Essoins collected by the Bailiff for the Court held for New Malton Michmas 1792 in all £0 11 10 Wm Hardwick [and] Chas Harding refused to pay': NYCRO/ZPBII/4; and the inside front cover of a nineteenth-century court book for Old Byland is endorsed 'Essoins 2^d divide between Steward and Bailiff': NYCRO/ZDVIII/No ref. (Court book 1871-89).

⁴⁹ Minster: MAN/SNA/1; 1/157, 1/161, 1/164, 1/174 and 3/71.

⁵⁰ McIntosh, *Community Transformed*, p. 299, footnote 6; Champion, 'Frankpledge Population of Shrewsbury', p. 53; Thoraby: NYCRO/ZCC/80; Bellerby: NYCRO/ZIF/657 (at the Michaelmas 1789 court there twenty-three of fifty tenants were excused on account of poverty); Bainbridge: NYCRO/ZPG/5/1/2 (where specific ages are given in recorded excuses they are all above the upper frankpledge limit of sixty years). At the Scorton leet on 4 May 1854 a ninety-eight years old suitor was excused: NYCRO/ZBLIII/1/1.

usuall to excuse their appearance where they do not live within the Manor'.⁵¹

'Bed sickness' and 'passing malady' are included in the list of essoins given in the thirteenth-century *The Mirror of Justices* and sickness is said to have been the most common essoin. But it would appear that persons who were ill were not essoined at Snape and West Tanfield early in the seventeenth century; they were marked 'egrot', the Latin for sick being *aegrot*, or 'infirm' respectively. It would seem that whereas originally the only acceptable excuses were the formal essoins later there were both essoins and excuses and, perhaps because essoins had to be paid for, sickness became a ground for being excused, if not designated separately. Poverty was not an original essoin and perhaps it also became an excuse for the same reason. Sick suitors were not marked as such in the North Riding manors in the later periods.⁵²

The most common of the occasional marks not given in Table 1 were those used for persons newly listed who were marked as sworn or admitted.⁵³ There are no such marks in the 1689 Danby call roll but a 'ds' mark appearing in only 2.3% of cases could have been associated with suitors newly-sworn because it often appears where there is an alteration in the names column. However, this is not always the case and its meaning therefore remains unconfirmed.⁵⁴ An 'o' mark appears only three times in the same Danby roll, including one case where it was the last mark for the suitor

⁵¹ NYCRO/ZFL/119.

⁵² Whittaker, *Mirror of Justices*, pp. 82-5; A. Harding, *A Social History of English Law* (London, 1966), p. 121.

⁵³ 206 'adm' marks were entered in the first column of the 1786 Danby roll in which there were no 'app' marks. The fourth Viscount Downe died in 1780 and the fifth in 1832. If the admittance, or readmittance, of all the suitors was connected with the new lord of the manor it would seem there had been a delay before he took over the lordship or before the tenants were readmitted: III/3/5; Davison, *Manor, Lordship and Castle of Danby*, pp. 156-7.

⁵⁴ III/3/1. For example, there are twelve 'ds' marks on the first page of the roll: eight appear opposite name changes but four appear opposite names not changed.

concerned and another where a widow took over from her husband; probably an abbreviation for *obit* it would appear to have been an alternative to the '*mort*' entries frequently found elsewhere.⁵⁵ The 'ds' and 'o' marks do not appear in the rolls of the other manors or of the other North Riding manors examined.⁵⁶

From 1735 to 1737 the Danby clerk frequently entered the 'd' mark more than once and sometimes in association with the 'app' and 'ess' marks. Suitors seem to have been given up to three opportunities to attend but in the absence of other documents these multiple marks must remain unexplained.⁵⁷

Using the marks from the call lists and rolls for each manor 'attendance registers' were created showing the attendance record for each suitor listed. The registers can be used to ascertain the overall attendance record for the manor, the separate records of free tenants, tenants and residents, and the separate records of any group such as jurors. The registers can also often be used to ascertain who took over tenancies from whom when it is not immediately obvious from the separate rolls because the new tenant appears in a different position in the list from his predecessor. For the reasons given above it proved more difficult to create registers for Danby and the results were less certain but nevertheless they can

⁵⁵ III/3/1. The Glaisdale residents John Cooke (1696) and Richard Thompson, the latter being succeeded by his widow Dorothy (1695). The third example, in the 1695 column opposite a deleted and illegible Danby free tenant, is less clear because the marks continue although there is no other name substituted.

⁵⁶ A proclamation on the back of the 1693-4 call roll for Ellerton in the North Riding includes 'those yt answer marke c, those yt essoyne marke ess, those exc marke parc': NYCRO/ZBLIII/2/2/1. In 1781 Giles Jacob advocated the use of 'app', 'ss' and 'exc' ('excused by Age or Sickness'): *Complete Court Keeper*, p. 60.

⁵⁷ III/3/2. For example, in 1735 of one hundred persons listed under the Glaisdale heading fifty-one appeared and twenty-two were essoined but not one of the others was simply marked 'd'; five were marked 'd app', five were marked 'd ess', two were marked 'dd ess', twelve were marked 'ddd', two were marked 'dd' and one was marked 'ddd ess'. There could be some connection with Stuart's assertion that persons who failed to attend at three consecutive courts or did not provide an essoin were fined although such a rule seems not to have applied in the North Riding manors examined: *Manorial Records*, p. 2.

be used to make some useful comparisons both within the manor and between manors.⁵⁸

Women in the Call Lists and Rolls

Women were exempt from true frankpledge and therefore should not have appeared in tithing lists. But it has been noted that they appeared in lists of tithingmen after frankpledge broke down in Essex and as tenants and resiants elsewhere later. They appeared as both in the three North Riding manors.

During the decade covered by the West Tanfield court book the Wath and Carthorpe lists include three free-tenant widows, nine tenant widows and four resiant widows and it is clear that the steward had no qualms about the inclusion of widows not only as tenants but as resiants.⁵⁹

In eleven years his opposite number at Snape and Well listed ten widows and a spinster as tenants at Snape and twenty-four widows as tenants at Well. Three widows were listed in the first two resiant lists for Snape but they were not included in the third or subsequent lists although they remained in the manor unlisted. It would seem that their removal together was the result of a deliberate

⁵⁸ At Danby there are no problems where individuals were listed throughout the period nor where the clerk clearly indicated which marks applied to which suitor. But other cases present problems and the overall rates for groups are therefore more reliable than those for some individuals because the individuals' marks can be subsumed in the whole. Blank spaces at the end of lines proved to be difficult; the suitor might have left the manor, or the roll, but he might have remained to be marked again had the roll continued for more years. It was found that if the blank spaces at the ends of lines were treated as 'no suitor' the number of suitors dropped markedly, in itself a clear indication that many should have been treated as 'no mark'. Using the 'no mark' mean for the previous two years produced a number of suitors not too dissimilar from other years in the rolls and therefore this practice was adopted.

⁵⁹ Tenant widows can be found throughout the book. Wath resiant widows can be found at 20.4.1625 and a widow was listed as a Carthorpe resiant at 28.3.1627.

decision that women should not be listed as resiants.⁵⁰ Despite this many women appeared in both the tenant and resiant lists for the manor later in the century. Women appear in such considerable numbers in the combined lists of tenants and resiants in the extant eighteenth-century call rolls for Snape and Well that it is probable some of those listed were resiants.⁵¹

The 1689 Danby call roll includes the names of sixty-six women freeholders, resiants and tenants-at-will. They include fourteen resiants at Danby and nine at Glaisdale and here too the steward had no inhibitions about listing females as resiants. Resiants are not separately designated in the later rolls but they also included many women.

The Free Tenants

The call lists and rolls of all three manors include free tenants and they were of three types. Some were gentry, some were freehold farmers of land outside the manor proper, and some lived and farmed within the manor. The free tenants of Snape and Well were of all three types, almost all the free tenants at Wath and Carthorpe were resident farmers and at Danby the position is unclear.

The gentry who were Snape and Well free tenants rarely attended court: the Danbys of Thorpe Perrow near Snape, and their successors the Milbankes, never registered a court appearance in the rolls under review; the Dodsworth family of Thornton Watlass

⁵⁰ The spinster Margaret Jackson was listed as a tenant at 1/174 and 1/177. The resiants listed at 1/119 and 1/125 with the evidence of their presence in the manor thereafter were: Isabella Buston: 1/132 pleas and 1/144 pleas; Elizabeth Grayson: 1/115 Snape verdict, 1/132 pleas, 1/143 pleas, 1/153 jury finding and 1/170 Snape verdict (twice); Cecilia Stoute: 1/115, 1/144, 1/151:12.2.1617 Snape verdicts and 1/161 Well verdict.

⁵¹ Between 1671 and 1685 twenty-six widows and five spinsters were listed as Snape tenants, fifteen widows as Well tenants, nine widows and one other female as resiants at Snape, and five females including two spinsters as resiants at Well. Of the resiants one of the Snape widows (Dorothy Toes) and one of the Well spinsters (Margory Justance) appeared in every call roll: 3/106 to 3/141. Between 1727 and 1736 twenty-five females were listed at Snape and nineteen at Well. Between 1784 and 1793 twenty-six females were listed at Snape and fourteen at Well.

less than three miles north-west of Snape were listed through two centuries but only the John Dodsworth who held the land late in the seventeenth century was marked as attending court and then only twice; Christopher Bulmer 'of Upsland' in the parish of Kirklington a couple of miles east of Well was listed until Michaelmas 1615 but the only marks recorded against his name are essoins;⁶² Richard Wiseman 'of Thornborough' attended only to be sworn, probably for Bulmer's land, but he failed to attend again and his successors also attended only once;⁶³ Christopher Wandesford Esq. of Kirklington Hall, an early free tenant of land at Upsland, never attended the leet and his successor from 1617, William Parker, attended court only to be sworn;⁶⁴ Cuthbert Browne was listed as an Upsland free tenant from Michaelmas 1616 and he attended the court only once;⁶⁵ the Wyvells of Constable Burton, twelve miles from Snape, first listed in the late seventeenth-century rolls, failed to record a single appearance mark in three sets of rolls; Lord Bruce, who held Jervaulx Abbey and was first listed in the early eighteenth-century list, failed to appear

⁶² 1/130. The Bulmers had held the manor of Upsland but the *Victoria History* records that although the manor was in the hands of William Bulmer in 1571 his son and heir, Christopher, who succeeded his father aged one-and-a-half years in 1575, 'does not seem to have succeeded his father in Upsland. He must have sold the manor to Lord Burghley, who was seised of it at his death in 1598.': Page, *Victoria History: North Riding*, 1, p. 375.

⁶³ 3/52.

⁶⁴ Wandesford was to become M.P. for Aldborough, Richmond and Thirsk and Lord Deputy of Ireland. Cliffe records how when he succeeded to his father's estate in 1612 he found much of the property leased out at unrealistic rents or for merely nominal acknowledgements and how according to his biographer, Comber, he bought in some leases to improve grounds and then let lands for reasonable rents. Perhaps relinquishing the land at Upsland in 1617 was part of that reappraisal: J.T.Cliffe, *The Yorkshire Gentry From the Reformation to the Civil War* (London, 1969), pp. 44. Also see Sir L.Stephen and Sir S.Lee (eds), *The Dictionary of National Biography* (66 vols, London, 1885-1917) (Reprint, 21 vols, Oxford, 1949-50), 20, pp. 742-4; T.Comber, *Memoirs of the Life and Death of the Right Honourable the Lord Deputy Wandesforde* (Cambridge, 1778); *idem* (ed.), *A Book of Instructions written by the Right Honourable Sir [sic] Christopher Wandesforde ... to his son and heir, George Wandesforde, etc* (Cambridge, 1777).

⁶⁵ The Brownes held the manor of Ilton with Pott near Masham: Page, *Victoria History: North Riding*, 1, p. 327.

at the manor court nor did his descendents;⁵⁶ and Thomas Beckwith was listed at eight courts from 1727 but attended only once. These knights, esquires and gentlemen managed only seven attendance marks between them: they were content to be amerced for default or to pay for essoins.⁵⁷

The only gentleman listed as a free tenant who attended court regularly was Captain Edward Place, the Master of Well hospital from 1652 to 1699, who was listed only in the late seventeenth-century rolls: he lived at Canswick Park on Watlass Moor within the manor at Well and he attended nine of the eleven courts for which we have marks.⁵⁸ Another Place, not necessarily related, was John Place 'clerk', who was appointed vicar of Well in 1682 and added to the list of free tenants from 1683: he attended court that year, was essoined the following year and his remaining marks are damaged.⁵⁹

From 1614 the lists included more free tenants at Upsland and they attended only occasionally. Of the sixteen courts Matthew Browne and John Other could have have attended they attended four and five respectively. Later Upsland free tenants continued to attend only intermittently; in the late seventeenth-century period John Greene attended twice, John Other once, Thomas Hopps' wife attended once on his behalf and Francis and Maria Lucas attended only to be sworn. But in the eighteenth century the rolls reveal only three Upsland free tenants who attended and then only to be sworn:

⁵⁶ Butler, *Gastrell's 'Notitia'*, p. 89. Bruce was related to the then lord of the manor Brownlow Cecil: P. Townend (ed.), *Burkes Peerage* (London, 1826), 104th Ed., (London, 1967), pp. 58-62.

⁵⁷ Cliffe, *Yorkshire Gentry*, pp. 70, 120, 130, 151-2, 186, 193 and 369-70; R. Davies (ed.), *The Visitation of the County of Yorke*, (Surtees Society 36 1859); J. Foster, *The Pedigrees of the County Families of Yorkshire: Volume Three North and East Ridings* (London, 1874), pedigrees of Dodsworth of Thornton Hall, Milbanke of Thorpe Perrow and Wyvell of Constable Burton; Horsfall, *Manor of Well and Snape*, pp. 81-2; Page, *Victoria History: North Riding*, 1, p. 234-5, 327, 344-5, 351-2 and 372-3; Whitaker, *History of Richmondshire*, 2, pp. 76, 98-9, 147-64 and 322.

⁵⁸ Horsfall, *Manor of Well and Snape*, pp. 156, 160, 187 and 191; W1/f.19 for 'Capt'.

⁵⁹ W1/f.41; his deceased predecessor William Stead had been a Well tenant but not a free tenant: W1/f.57.

John Dale junior and William Cartwright in the early lists and Mr John Spence in the later lists.

The free tenants at Nosterfield, on the border of the manor just over a mile south-east of Well, were much the same as Upsland tenants in that they too attended intermittently. Michael Metcalfe, gentleman, attended the court only once before his land was taken over by Thomas Byerley who was already a free tenant at Nosterfield. Byerley attended the leet at least five times. He was described as 'of Nosterfield' in a 1611 inventory and when amerced for failing to scour ditches. It would seem he worked the land for he also failed to repair a hedge and one of his gates was declared insufficient.⁷⁰ The Byerleys failed to attend later in the century but they had moved and we will see the land was farmed by a sub-tenant.⁷¹ In the early eighteenth-century period the Nosterfield free tenancy was held by Joseph Wynn and his successor and son-in-law the gentleman William Williams: Williams was sworn at court but they did not attend otherwise.⁷² Late in the eighteenth century free tenancies at Nosterfield were held by Jane Gill, Edward Hare and his successor Thomas Hare: Jane Gill failed to attend court but Edward attended four times and Thomas attended to be sworn at the last court in the sequence.

There is evidence that much of the land held by free tenants was probably sub-let. In 1671 Byerley heirs 'attended' through John Clarkson and in 1673 they were excused 'because Jo

⁷⁰ Snape inventory 8 at Bedale Museum; 1/130, 1/139 and 1/153. Byerley's attendance record is uncertain because his entries are torn twice, illegible once and he was not marked on another occasion. Byerleys held the manor of Pickhill with Roxby and may well have been related: Page, *Victoria History: North Riding*, 1, p. 379.

⁷¹ In 1687 Robert Byerley Esq., of Midridge Grange, County Durham, leased lands 'at Nosterfield ... sometime in the possession of John Clarkson': 2/29. Robert Byerley had acquired by marriage the manor of Ravensworth near the Yorkshire/Durham border: Page, *Victoria History: North Riding*, 1, p. 90.

⁷² Wynn was a yeoman at Ainderby Myers near Bedale when he first leased land in Well in 1711 but he was a stapler of Nosterfield when he leased more land in 1719: 2/74, 2/80 and NYCRO/PR/WEL/3/1, p. 4. Williams was described as a gentleman of Nosterfield in 1734/5: 2/151.

Clarkson ten attended'.⁷³ When John Greene attended in 1676 his mark was endorsed 'in person' which seems to indicate that others, perhaps sub-tenants, sometimes attended for free tenants.⁷⁴ John Dodsworth's default entries in the Snape presentments for 1681 and 1683 were deleted and in the second case the name of Thomas Savile was substituted endorsed 'excused by essoin': Savile was a listed tenant at Snape, probably Dodsworth's sub-tenant at Watlass, and this would explain Dodsworth's 'c' mark in the call roll that year.⁷⁵ In the eighteenth century the evidence is more explicit. The entries for five of the seventeen persons listed as free tenants in the 1784 call roll include statements that they were tenants of other persons listed. A comparison with the call rolls earlier in the century shows that names added then were added in the same positions as those now designated as tenants of free tenants and that therefore despite an apparent increase in free-tenant numbers there had probably been no real increase in free tenancies. None of the men marked as tenants ever attended court.

If the free tenants were not prepared to take the trouble to attend court it is perhaps not surprising that they played little part in the administration of the manor. In the first period studied they played no part whatsoever. In the second there was some improvement for Michael Meeke and John Other of Upsland served as Well presentment jurors once each and Captain Edward Place of Well served as a civil juror and arbiter.⁷⁶ But there is also evidence of reluctance to become involved for Francis Lucas was twice fined for failing to report for jury service.⁷⁷ Three Mosterfield free tenants served as Well presentment jurors in the later periods: William Williams and Thomas Hare were appointed jurors in 1732 and 1793

⁷³ 3/106 and 3/114. Also see Plate 3.

⁷⁴ 3/123.

⁷⁵ 1/203, 1/207, 3/125, 3/136 and 3/139.

⁷⁶ 3/129, 1/204, 3/119 and 3/123 (Shotton v Lumley). A 'John Ouder' was listed but excused in 1678: 3/128.

⁷⁷ Lucas is not named as a juror in the 1677 and 1678 Well presentments but his name in the separate jury lists is endorsed 'd' with 'fin 6s8d' and 'fin 3s4d' respectively. The 1678 estreat makes it plain that his fine was 'for that hee being summoned did not appear to serve on the Jury to inquire for our Sovereign Lord ye King and the Lord of the mannor': 1/197-8, 3/124 and 3/127-8.

	1611-21	1671-86	1727-36	1784-93
Appeared	12.9%	17.8%	3.1%	4.5%
Defaulted	42.9%	16.8%	33.0%	18.7%
Essoined	20.4%	59.4%	36.2%	26.5%
Excused	9.5%	1.0%	26.2%	14.8%
Sick	.7%	-	-	-
'Not summoned'	-	-	-	14.2%
No mark	8.2%	4.0%	1.5%	21.3%
Torn, etc.	5.4%	1.0%	-	-

Table 2. The attendance record of the free tenants of the Manor of Snape and Well 1611-21, 1671-86, 1727-36 and 1784-93.

respectively when they appeared to be sworn and Edward Hare, who was also listed as a tenant at Well, served five times between 1784 and 1791.^{7e}

The attendance record of the free tenants, including their listed sub-tenants, over two centuries is summarized in Table 2. In the seventeenth century attendance rates were poor, excuses were little used and some two-thirds defaulted or were essoined; the default rate improved at the end of the seventeenth century because more essoins were arranged. In the eighteenth century attendance rates were even poorer and excuses were used more often. At the end of the century default and essoin rates were lower because absent tenants were marked 'not summoned' or not marked at all. The eighteenth-century stewards seem to have acquiesced in the deterioration in free tenants' attendance which happened notwithstanding the ameracements imposed on them being substantially

^{7e} 1/230, 1/233, 3/439, 3/443, 3/447, 3/458-9, 3/463, 3/471 and 3/473.

more than those imposed on others who defaulted.⁷⁹ Not only did the later clerk regularly enter 'not summoned' or fail to make a mark but when marked as defaulters on the call roll free tenants were not always included in the presentments as such; and on one of only three occasions when they were the presentment was endorsed 'excuse' in another hand. The few ameracements imposed were less than those of fifty years earlier.⁸⁰

This account of the free-tenants of the manor of Snape and Well over two hundred years shows that with the exception of Captain Edward Place the leet was rarely attended if at all by the gentry, most of whom lived outside the manor. The freeholders of Upsland and Nosterfield attended only a little more often. In advice written for his son Christopher Wandesford pointed out that

no Gentleman whose Eye cannot be constantly upon the Labors of his Servants every Day, and consequently commits much to the Care of others doth ever gain or save by keeping much Ground under Stock ... if the Countrey be so well planted and inhabited that Lands may be set at reasonable Rates I think it loss to keep more in your Hands than will serve for the Provision of your House. For the Negligence of Servants is so great, and there be so many Accidents, of Loss and Waste, to which cattle (Corn especially) are subject, that your Loss in one Day by that Means may be greater than your Gain for a whole year.⁸¹

Therefore, if he practised what he preached, he would sub-let. The others no doubt did the same and in so doing they left the running of the villages and fields of Snape and Well to the tenants and resiants.

⁷⁹ In the first eighteenth-century period twenty-two free-tenant ameracements recorded range from 1s.0d to 10s.6d with a mean of 4s.1d whereas twenty-five other ameracements range from 6d to 2s.6d with a mean of 11½d.

⁸⁰ 1/454, 1/467 and 1/470. In the second eighteenth-century period four free-tenant ameracements range from 4d to 3s.4d with a mean of 1s.1½d whereas eighty-three other ameracements range from 4d to 1s.0d with a mean of 4½d.

⁸¹ Comber, *Book of Instructions* quoted at Cliffe, *Yorkshire Gentry*, p. 50.

Thomas Jackson senior was the only free tenant listed at Wath early in the seventeenth century. He was also a tenant there. He was described as a gentleman and a yeoman of Wath at different times when entered in the quarter sessions records.⁸² Although the only freeholder his circumstances during the period covered by the West Tanfield court book were somewhat unusual and are worthy of examination for they illustrate the manor court in action, or inaction.

Like most tenants he was regularly presented for minor offences: six times for having unringed swine, twice for not grinding corn at the lord's mill and once for felling trees without a licence. His impounded animals were rescued by his son.⁸³ He was sued four times and sued others twice.⁸⁴ He was the subject of pains ordering him to scour ditches, mend a fence and 'putt away his bitche' and he was amerced several times for failing to comply with pains.⁸⁵ He was by no means a perfect tenant but the nature of his court appearances is not extraordinary.

From 1625 to 1631 he attended the leet thirteen times and was essoined once. He acted as a presentment juror and affeeror once and was excused when selected on another occasion.⁸⁶ From 1632 to 1635 there was a marked change and he attended the court little if at all; he was essoined once, excused twice, marked infirm twice, declared a defaulter once and given no mark twice. The change in his behaviour stemmed from his alleged responsibility for part of

⁸² J.C. Atkinson (ed.), *Quarter Sessions Records*, (9 vols, North Riding Record Society, 1884-92), 2, pp. 178 and 222; *idem*, 3, p. 160. In his *Quarter Sessions Records* the Rev. Atkinson sometimes gives the name and residence (in which case his reference has been used), sometimes gives the residence only (in which case his brief reference was used to find the full reference in the original records), and sometimes gives general and/or cumulative references without giving name or residence (in which case a full search of the original quarter sessions records to locate Snape and Well cases would have been far too time-consuming).

⁸³ 25.10.1625, 28.3.1627 (2), 3.10.1727, 16.4.1628, 4.10.1628, 14.4.1629, 14.10.1629, 11.4.1632 and 7.10.1635,

⁸⁴ 7.2.1628/9, 18.7.1629, 19.12.1629 (2), 26.5.1632, 16.6.1632 and 11.7.1635.

⁸⁵ 25.10.1625, 4.10.1626, 3.10.1627 (3), 16.4.1628, 14.10.1629, 31.3.1630, 13.10.1630, 11.10.1631 (3), 11.4.1632 (2), 9.10.1632, 6.5.1633, 9.10.1633, 9.4.1634, 31.3.1635 (2) and 7.10.1635.

⁸⁶ 14.10.1629 and 31.3.1630.

Date	Book	Gutter
11.10.1631	Pain to produce: 10s	
11.4.1632	Forfeited 10s Pain to produce: 20s	Pain to scour: 20s
16.6.1632		Sued two other tenants for failing to scour
17.8.1632		Jury for defendants. In mercy for false claim.
9.10.1632	Forfeited 20s	Forfeited 20s
9.10.1633	Pain to produce: 10s and 10s every 3 months	Forfeited 20s
31.3.1635	Forfeited 10s	Forfeited 20s
7.10.1635	Forfeited 10s	Forfeited 20s

Table 3. Sequence of events following the failure by Thomas Jackson senior to produce the Wath 'survey booke'.

the Ellergutter.

Before October 1631 several pains had ordered him to scour gutters including the Ellergutter and he had forfeited penalties for failing to do so. At the court that month the jury laid a pain which read

Whereas at the devision of Wathe their was a survey booke lefte in the hande of Thomas Jackson the elder when he was bayliffe and that the booke was paid for by the tenants for the good of the said towne And that he will not suffer any of the tenants to see it therefore a paine is laid that the said Thomas Jackson shall deliver the said booke to Mr Hugh Bagguley before the xxvth day of december next upon paine of 10s.

The book must have contained evidence about the responsibility for scouring the gutter for thenceforth the court dealt with the book and the gutter together.

The sequence of events thereafter is shown in Table 3. He repeatedly forfeited penalties both for failing to produce the book and for failing to scour the gutter. In June 1632 he

sued two other tenants alleging they had failed to scour it. The case was heard the following month when a jury of men from Carthorpe, Wath, West Tanfield and Binsoe decided that six of their number, three each from Carthorpe and West Tanfield, should view the gutter. A month later the jury found for the defendants and declared Jackson in mercy for his false claim. A year hence the court changed tactics and the penalty for non-delivery within three months under a new pain was ten shillings and ten shillings for every three months thereafter but at the courts when he was next presented, when the penalties should have been sixty shillings and twenty shillings respectively, he forfeited only ten shillings.

This case reveals some aspects of the court leet at its worst. The twice-yearly court could proceed only slowly and it lacked power. Thomas was failing to scour the gutter in 1626 and was still failing to do so in 1635. He was first ordered to deliver the book in October 1631 and had not done so four years later. Without the manorial accounts we cannot know whether Thomas paid the comparatively tough penalties imposed but whether he did or not the court failed to achieve its objectives, at least by the end of the court book. On the other hand the case also illustrates how the tenants turned to the court in an attempt to resolve their problems, how Thomas's actions were always judged by his peers in Wath, how his civil action was in part judged independently of Wath by men who took the trouble to view the source of the problem and how he was treated less harshly than he might have been when full forfeits were not demanded. The court's inability to cope with recalcitrant tenants like Thomas Jackson was not peculiar to West Tanfield.⁹⁷

⁹⁷ In 1644 at Petworth, West Sussex, Henry Sadler was presented for 'keeping a decree made in Chancery between the Lord and his tenants from the Homage'. He was ordered to produce it before the next court but the order was repeated a year later when he was fined five pounds which he never paid. A man who had encroached on the waste at Petworth was twice amerced ten shillings but took no notice and in 1645 after three years illegal occupation he was fined five shillings and allowed to remain in possession for life at a rent of four pence. Leconfield, *Petworth Manor*, pp. 9 and 27. Also see Gwyneth Nair, *Highley: The Development of a Community 1550-1880* (Oxford, 1988), p. 15.

The weakness of the leet should be contrasted with the power of the Quarter Sessions in similar circumstances. In 1617 Thomas Jackson had been appointed one of two 'Surveyours and Collectours of £30 towards the repaire of the north end of Rippon North-bridge'. In July 1618 he was ordered to make his account. In January 1618/19 he was ordered to be apprehended, to pay monies remaining in his hands and to make sureties for his appearance at the next sessions. In January 1619/20 he was discharged having tendered his account. But in the mean time he was in similar trouble with the same colleague regarding Newsham Bridge. Warrants for his arrest were issued in September 1619 and January 1619/20 and in April 1620 committal was ordered unless he paid a sum remaining in his hands. It appears he paid. Arrest on the orders of justices in Quarter Sessions eventually proved effective but the leet was ineffective without similar powers.⁸⁸

There are three Carthorpe headings in each call list in the West Tanfield court book. The second and third headings always refer specifically to tenants and resiants but the first headings are confused. The first Carthorpe headings in the lists at each of the first three courts read 'Resiants in Carethrop' and thereafter the first headings read 'in Carethrop'. Nowhere else in the book were there two separate lists of resiants for one village and it seemed probable that a mistake had been made and repeated and that these headings perhaps referred to free tenants. Had previous rolls not been available the confusion would have prevailed but the Easter 1616 court roll listed some of these people, and others no doubt their fellows' predecessors, under the heading 'Free tenants in Carethroppe the late lands of the said Chantry' and the previous heading referred to the lands of the late chantry of Maud Marmion.⁸⁹ The three Maud Marmion chantries at West Tanfield village were founded in the fourteenth century and the certificate returned by the commissioners who surveyed Yorkshire chantries in 1548 shows that the

⁸⁸ Atkinson, *Quarter Sessions Records*, 2, pp. 178, 202, 222, 225, 228-9, 237-8, 241 and 248-9; *idem*, 4, p. 4.

⁸⁹ 20.4.1625, 25.10.1625 and 10.4.1626; NYCRO/ZJX/3/1/163.

chantry had land in Carthorpe. In eight cases the persons in the first Carthorpe list in the book share the same surnames as persons listed in the certificate eighty years earlier and in four of those cases the full names are identical: the chantry tenants in Carthorpe in 1548 were the predecessors, and in some cases the ancestors, of the free tenants there in 1625. Separate examination showed that there was no difference between these free tenants and those listed as tenants in their attendance records and service as officers and jurors and therefore they are henceforth treated as one tenant body.⁹⁰

The circumstances of the 1655 and 1656 sales 'of the Mannor and Lordshippe of Danby with the demesne lands, messuages, farmes, tenements, Royalties, priviledges, and heraditaments thereunto belonginge' have been recounted by the Rev. Atkinson. Until the sales the entire parish was in the hands of a single owner and there were therefore no freeholders there. The trustees to whom the manor was sold in 1655 were required to ensure that 'the tenanntes and farmors ... shall have full freedome ... to purchase ... their farmes and landes' and 168 intending purchasers were listed in the schedule to the agreement resulting. The properties were conveyed in 1656 and one of the articles provided that there should be no further addition to the then number of freehold farms. Mr Dawney, the new lord, acquired four lots including the castle, the manor with its privileges, twenty-three farms and other parcels of land and it follows that in addition to the new freeholders there were tenants of the lord in the manor.⁹¹ We have seen that only in the first call roll were the freeholders and

⁹⁰ Page, *Victoria History: North Riding*, 1, p. 389; W. Page (ed.), *The Certificates of the Commissioners Appointed to Survey the Chantries, Guilds, Hospitals, Etc., in the County of York, Part 1* (Surtees Society 91 1894), pp. 106-8. The names appearing in the 1548 certificate which also appear in the 1625 free-tenant list are (capitals = identical): Roger BECKWYTH, John BLACKBORNE, WILLIAM DENTON, Robert KEYE, THOMAS PLUMMER, JOHN TANFIELD, Laurence and William TOOS, and ROBERT WYLSON.

⁹¹ Atkinson, *Forty Years in a Moorland Parish*, pp. 296-307.

tenants-at-will separately designated and therefore with that one exception they will of necessity be treated as a single group.

The Parish Registers

We have no direct information about the population of the Vale of Mowbray villages in the periods studied. Earlier, in 1548, commissioners had reported that there were 680, 260 and 488 'howseling people' in the parishes of Well, Wath and Burneston respectively.⁹² The populations of the three parishes in 1548 can therefore be estimated as 816, 312 and 586 or more respectively.⁹³ There would appear to be no other statements of the populations until the census of 1801 when the number of inhabitants at Snape and Well was 1047; the census took place more than 160 years after the period studied in the other two parishes.⁹⁴ To estimate the numbers resident between 1548 and 1801 we must resort to the parish registers.

Hoskins has suggested that a 'fairly close estimate of the total population' can be obtained by multiplying the mean annual baptisms by thirty.⁹⁵ The parish registers for Well date from 1558.⁹⁶ If the mean numbers of baptisms in Well registers each decade from 1560 to 1790 given in Figure 1 are to be believed the population of the parish fluctuated wildly. But two of the three dips in the figure coincided with breaks in the record and the third was

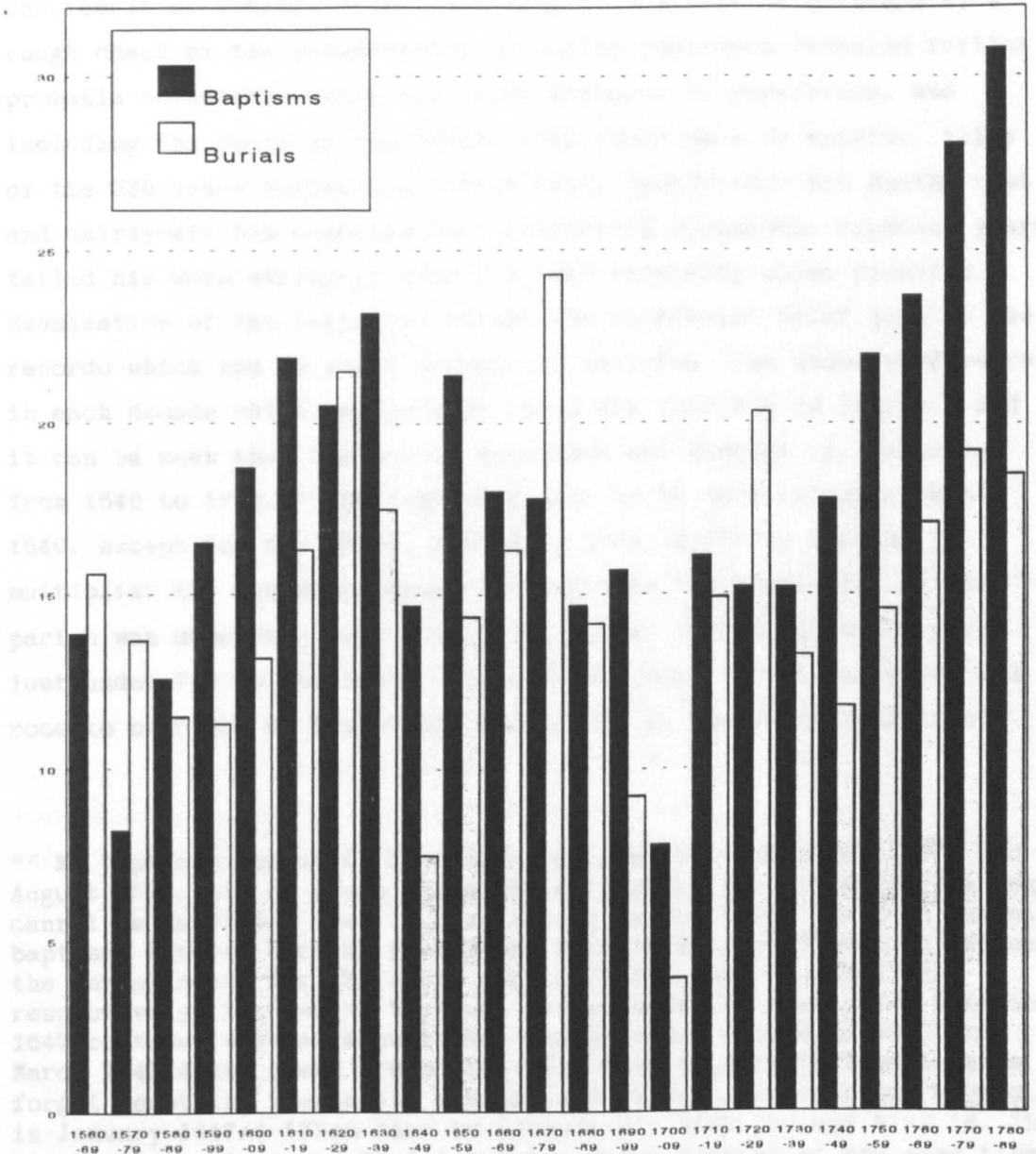
⁹² W. Page (ed.), *The Certificates of the Commissioners Appointed to Survey the Chantries, Guilds, Hospitals, Etc., in the County of York, Part 2* (Surtees Society 92 1895), pp. 495, 504 and 506.

⁹³ Hoskins suggested that to obtain an estimate of the population the numbers of communicants reported should be enhanced by forty per cent to account for the children under fifteen years of age. It has since been suggested it is more likely that the communicants reported were ten years of age and over and that it is therefore more appropriate to enhance the figures by twenty to twenty-five per cent. Hoskins, *Local History in England*, p. 202; R. Fieldhouse and B. Jennings, *A History of Richmond and Swaledale* (London, 1978), p. 103.

⁹⁴ W. Page (ed.), *The Victoria History of the County of York*, (3 vols, London, 1913), 3, p. 514.

⁹⁵ Hoskins, *Local History in England*, p. 200.

⁹⁶ NYCRO/PR/WEL. The County Record Office also has a transcript prepared by Mrs A. Hill, Deputy County Archivist at the time.



EVERSLEY FAILURES

	1560-69	1570-79	1580-89	1590-99	1600-09	1610-19	1620-29	1630-39	1640-49	1650-59	1660-69	1670-79	1680-89	1690-99	1700-09	1710-19	1720-29	1730-39	1740-49	1750-59	1760-69	1770-79	1780-89
Baptisms	-	4	-	-	-	2	-	4	1	1	3	2	4	6	3	4	6	4	3	2	-	1	
Burials	-	-	-	-	1	-	-	7	3	-	-	1	5	1	-	1	1	2	1	-	1	-	
Omissions suspected	-	2	-	-	-	-	-	7	3	1	-	2	5	6	1	1	1	3	4	-	-	-	
Close scrutiny required	-	-	-	-	-	-	-	4	-	1	-	1	2	5	1	-	1	1	2	-	-	-	

Figure 1. Mean annual baptisms and burials recorded in Well parish registers for each decade from 1560 to 1790.

with the numbers of years in each decade which failed each of Eversley's plausibility checks.

the result of obvious under-recording.⁹⁷ Application of Eversley's rough check on the plausibility of parish registers revealed further probable omissions: using his crude measures of population, and including the years in the breaks when there were no entries, fifty of the 230 years failed his births test, twenty-four his deaths test and thirty-six his combined test indicating omissions. Eighteen years failed his more stringent combined test requiring close scrutiny. Examination of the registers showed the occasional brief gaps in the records which had no doubt caused the failures. The numbers of years in each decade which failed each check are included in Figure 1 and it can be seen that the parish registers are suspect in the period from 1640 to 1760.⁹⁸ The figures appear to be more reliable before 1640, except for the 1570s, and after 1760. Applying Hoskins' multiplier the registers appear to indicate the population of the parish was something over 400 in the 1560s, increased steadily to just under 700 in the 1630s, reached just over 700 in the 1760s and rose to over 900 by the 1780s. The growth in the Well population

⁹⁷ No baptisms appear to have been recorded between August 1572 and August 1574; six or seven illegible entries at the bottom of the page cannot be dated but even if they belong in the break the mean annual baptisms entered for the four years from 1572 to 1575 was 5.5 whereas the annual means for the 1560s and the 1570s were 13.9 and 12.6 respectively. The twelve baptisms recorded in the four years 1644 to 1647 contrast with an annual mean the previous decade of 23.2: in March 1643/4 the clerk wrote 'The book laid by here followeth names forgot something presentlie put in' and before full entries resumed in January 1647/8 'Thus farr by adventure': W1/f.17v and W1/f.18. The hiatus in marriage and burial entries which started at the same time lasted until 1654. There is another break in the record between the end of the first volume in 1700 and the commencement of the next in 1705 and there could have been more under-recording thereafter for in 1718 the vicar recorded 'Whatever deficiencies there may be from this time till the time I was presented June 14 1718 I have not been able to make up any better than they are': W2/f.3v.

⁹⁸ D.E.C. Eversley, 'Exploitation of Anglican Parish Registers by Aggregative Analysis' in E.A. Wrigley (ed.), *An Introduction to Historical Demography* (London, 1966), pp. 54-6: rural parishes should rarely have less than thirty births per year per thousand population and should never have less than fifteen deaths per thousand; omissions should be presumed if less than fifty combined births and deaths per thousand population are found; and any year with less than forty-five combined births and deaths per thousand population should be closely scrutinized. The check is safe only when the population is over 500 and the population of Well was perhaps hovering below that figure before 1600.

before the 1630s and after the 1760s is thus consistent with the national trend.⁹⁹ It would seem that the number of inhabitants at the time of the early seventeenth-century manorial records (1611-25) was some 625 and at the time of the late eighteenth-century records (1784-93) it was perhaps over 900 which is not inconsistent with the population at the time of the census in 1801. We can only speculate about the population of the parish at the times of the late seventeenth-century and early eighteenth-century manorial records (1671-85 and 1727-36) when the registers are unreliable but it seems it would be perhaps about 700: if the parish reflected the national picture the population would have grown to over 700 by 1650 before it fell slightly and then it would have risen from the 1730s to reach 700 again before the 1760s.

Noting the difficulties of estimating populations Schofield has pointed out that baptism and burial rates of more than fifty per thousand are improbable and if the rates are higher the population estimate should be suspected.¹⁰⁰ This check was applied to the baptisms and burials each year from 1560 to 1789 using the estimated populations for each decade derived from the Hoskins multiplier but substituting more realistic figures for the suspect decades, 400 for the 1570s and 700 for the period from 1640 to 1759. Only nine of the 230 years failed these checks: several years failed only marginally and seven involved excessive burials which were, in some cases certainly and others probably, the results of natural causes rather than any deficiencies in the population estimates.¹⁰¹ In 1722 thirty-eight persons were buried, three more than Schofield's upper limit, and twenty of the entries were marked to indicate deaths from cholera. In 1624 forty persons were buried, nine more than might have been expected, and although there is nothing in the registers to

⁹⁹ E. A. Wrigley and R. S. Schofield, *The Population History of England 1541-1871: A Reconstruction* (London, 1981), pp. 531-5, Table A3.3.

¹⁰⁰ R. S. Schofield, 'Enquiries and Problems: Estimates of Population Size: Hearth Tax', *Local Population Studies*, 1 (1968), p. 34.

¹⁰¹ The years which failed, with the upper limits in brackets, were: 1562 23 baptisms (21); 1563 22 baptisms and 22 burials (21); 1571 24 burials (20); 1576 28 burials (20); 1624 40 burials (31); 1657 38 burials (35); 1670 46 burials (35); 1722 38 burials (35); and 1761 40 baptisms (36).

indicate the cause the year 1623-4 was a 'dreadful' harvest year and deaths rose elsewhere in the north.¹⁰² There is also nothing in the registers to signify why thirty-eight persons were buried in 1657 when thirty-five was the upper limit but elsewhere at that time twelve parishes in a sample of fifty-four suffered more than double their annual number of burials as a result of influenza and fevers; Yorkshire was particularly badly affected.¹⁰³ Schofield's check appears to confirm that our population estimates for the parish of Well, including those for the period when the registers are not wholly reliable, are not improbable.

But an estimate of 400 inhabitants in the 1560s is incompatible with the estimate of 816 or more derived from the chantry commissioners' certificate less than twenty years before. The later estimates are also inconsistent if the population of the parish followed the national pattern for the numbers should have increased. The parish-register estimates depend on Eversley's crude measure of population involving back-calculation from the 1801 census but if the estimate of 816 is used his rough check indicates the registers are wholly implausible; indeed so implausible that the population estimate rather than the registers seems suspect.¹⁰⁴ The parish-register estimates appear to be coherent, meeting the checks of both Eversley and Schofield, but they could be under-stated.

The parish registers for Wath date from 1571. In 1855 the then vicar, the Rev. John Ward, made a manuscript transcript of his registers.¹⁰⁵ Even at the time of the 1801 census the whole

¹⁰² Laslett, *World We Have Lost*, pp. 130-48; K. Wrightson, *English Society 1580-1680* (London, 1982), p. 143.

¹⁰³ R.S. Schofield, 'Crisis Mortality', *Local Population Studies*, 9 (1972), pp. 19-20, Table 4. The years 1571, 1624, 1657 and 1670 feature in the discussion of local mortality crises in Wrigley and Schofield, *Population of History of England*, pp. 653, 655, 666, 676, 678 and 680.

¹⁰⁴ Of the forty years from 1560 to 1599 thirty-nine failed the births test, nineteen the burials test and thirty-five the combined test requiring close scrutiny. Had the number of communicants been enhanced by more than twenty per cent the results would have been even worse.

¹⁰⁵ NYCRO/PR/WAT/15 (Registers and transcript).

parish, including Melmerby and Middleton Quernhow, had a population of only 484 and therefore the use of Eversley's rough check was inappropriate.¹⁰⁶ Application of the Hoskins multiplier to the mean baptisms for the first four decades in the seventeenth century produced population estimates of 339, 300, 201 and 225 respectively. The low estimates for the last two of these decades were caused by the obvious absence of baptism entries in five years and if due allowance was made for that the estimated populations for the last of the decades were 279 and 281. Only four years failed Schofield's test marginally if these estimates were used and it would seem the population of Wath parish was 300 or less at the time of the West Tanfield court book, an estimate lower than but not inconsistent with the estimate of 312 derived from the chantry certificate.¹⁰⁷ Forty years later 44.8% of the houses in the parish hearth tax returns were at Wath itself and therefore the population of the village at the time of the court book would perhaps be about 134.¹⁰⁸

The parish registers for Burneston date from 1566.¹⁰⁹ Eversley's rough check showed they were fairly reliable at the time of the court book.¹¹⁰ Hoskins' population estimate for the whole parish at that time emerged as 660, consistent with the chantry-certificate estimate of 586 seventy years before. Using this figure only one year failed Schofield's check and then only by one. Only 22.7% of the houses in the parish hearth tax returns were to be found in Carthorpe and therefore the village population at the time of the court book was perhaps not more than 150.¹¹¹

The parish registers for Danby date from 1639. All burials and marriages took place at Danby but baptisms also took

¹⁰⁶ Page, *Victoria History: County of York*, 3, p. 513.

¹⁰⁷ There were no baptism entries in 1628, 1630 and 1637 and only one each in 1627 and 1629. In 1602 there were three more baptisms than Schofield's upper limit, in 1611 one more burial, in 1619 three more burials and in 1621 one more baptism.

¹⁰⁸ Purdy, 'Hearth Tax Returns', p. 193.

¹⁰⁹ NYCRO/PR/BUE.

¹¹⁰ Two years in the 1620s failed the baptism test and one year failed the more stringent combined test requiring close scrutiny.

¹¹¹ Purdy, 'Hearth Tax Returns'. p. 190.

place at Glaisdale and the curate passed details for entry in the Danby registers. A separate register of baptisms was taken into use for Glaisdale from 1758 and it was used to record burials after a new chapel was consecrated in 1794.¹¹² The parish as a whole failed Eversley's rough check badly:¹¹³ either the registers were very badly kept, baptisms and burials took place elsewhere or back-calculation from the 1801 census is inappropriate because the parish did not follow the national pattern. It would seem that the arrangements for transferring the Glaisdale baptisms for entry at Danby were wanting: not infrequently there are suspicious gaps in the sequences of dates and one group of these entries is endorsed 'Those Mr Robinson did not send me before the 5th Augt 1750 so I was obliged to insert them here'. This no doubt precipitated the entry the following year that 'Glaisdale baptisms for the future will be inserted at the other end of the Book by Reason of their never coming to Hand till some considerable Time after the Books should be filled up for the year last past.'¹¹⁴ But the omissions were not only the result of inefficient transfer of information for there are gaps in the Danby entries and Glaisdale deficiencies continued after the separate register commenced.¹¹⁵ It is possible, perhaps probable in a remote area like Danby and Glaisdale, that some children were simply not baptized.¹¹⁶ There were Quakers in Danbydale from at least 1655, when

¹¹² G/pp.1, 38 and 46.

¹¹³ From 1710 to 1800 seventy-two of the ninety years failed the deaths test, every year failed the births test and as a result every year failed the combined test requiring close scrutiny. Before 1710 the picture was only a little better for in seventy years only eight failed the deaths test but forty-one failed the births test and this meant that omissions were indicated in twenty-nine years of which twenty-one required close examination.

¹¹⁴ D/pp.181-2. There are no Glaisdale entries at all for 1729, 1730, 1738, 1740-1 and 1746-7; and obvious gaps in the Glaisdale entries for 1721, 1723, 1728, 1733 and 1745. 'Mr Robinson' was the curate at Glaisdale: G/pp.4 and 18.

¹¹⁵ There are no Danby entries for 1729-33 and 1743-8; there are obvious gaps in the Glaisdale sequences in 1769 and 1777.

¹¹⁶ The homesteads were scattered throughout the dales; even at the close of the eighteenth century there were only six houses in Castleton and two in Dale End (Danby proper); Glaisdale end was a 'scattered hamlet' until 1864; Page, *Victoria History: North Riding*, 2, pp. 333 and 349.

George Fox was entertained there, and at Lealholm in Glaisdale about 1668; at one time there were four Quaker meeting houses and three Quaker burial grounds in the district.¹¹⁷ There were also Methodists in Danbydale, John Wesley having preached and converted two local men at Castleton in 1772, while there were also a few papists in both Danby and Glaisdale throughout our period.¹¹⁸ But the presence of these non-conformists cannot alone explain the test failures: indeed by 1743 there were only three families of papists and as for the Quakers there were 'no gt number's of 'em'.¹¹⁹ Use of the 1801 census as a guide to past population trends would be inappropriate if there had been an unusual influx of residents before the count. At the time of Archbishop Drummond's visitation in 1764 there were said to be 114 families in Danby and 115 in Glaisdale, 229 in all.¹²⁰ We will see that in 1801 the mean household size in Glaisdale was 4.89 and the census population of Danby and Glaisdale combined was 1,753. If households were of much the same size at the time of the visitation there would then have been some 1,120 inhabitants in the parish. The census area may have differed a little from the area of the parish but even so it would seem that there had indeed been a marked increase in the population: in forty years it rose by some 633 or

¹¹⁷ Atkinson, *Quarter Sessions Records*, 6, pp. xii-xiv; *ibid*, 7, pp. vii-viii and 103; G. Baker, *Unhistoric Acts: Some Records of Early Friends in North-East Yorkshire* (London, 1906), chapters 1-3 and 7-8, in particular pp. 25, 35 and 27; R. A. Robinson, *The Story of Danby* (Danby, 1991), pp. 136 and 386-7.

¹¹⁸ J. Ford, *Some Reminiscences and Folk Lore of Danby Parish and District* (Whitby, 1953), M. T. D. Rigg Ed. (Leeds, 1990), p. 87; H. Aveling, *Northern Catholics: The Catholic Recusants of the North Riding of Yorkshire 1558-1790* (London, 1966), pp. 423-4.

¹¹⁹ S. L. Ollard and P. C. Walker (eds), *Archbishop Herring's Visitation Returns 1743*, (5 vols, Yorkshire Archaeological Society Record Series, 1928-31), 71, p. 173; *ibid*, 72, p. 9. In 1764 there were six families of Quakers and one papist family at Danby and none at Glaisdale: Drummonds Visitation Return, Borthwick Institute, York, Bp.V.1764 Ret 1, Yorkshire, entries 143 and 214.

¹²⁰ Borthwick Institute, York, Bp.V.1764 Ret.1 Yorkshire, entries 143 and 214.

some 56.5%.¹²¹ Coal was mined on Low Moor from about 1746 and at Danby Head and Fryup collieries from at least 1776. By 1808 'about forty' miners were employed in the Danby area and some twelve per cent of the parish register entries between 1750 and 1812 refer to miners.¹²² These 'colliers' and 'coalminers', some with names not previously known in the parish, appear in the registers frequently in the last quarter of the eighteenth century and they no doubt contributed to the increase. Whatever the reasons, and they were probably a combination of those given, it would seem that the Danby and Glaisdale registers do not present a reliable means of assessing the population of the parish and manor in the seventeenth and eighteenth centuries.

¹²¹ Archbishop Herring had sought similar information twenty-one years earlier. He was told by the curate of Glaisdale that ninety-two families lived there which is not inconsistent with the answer given to his successor. But he was also told by the vicar that Danby had about three hundred families and even if this was intended to cover the whole parish it appears to be at odds with the figures for 1764 and 1801: the answer is suspiciously round and probably an unreliable over-estimate. Without giving his reasoning the Rev. Atkinson thought the population of Danby 'could hardly have exceeded six hundred' about 1750, some 123 households if household sizes in the dales were much the same as at the turn of the century. We cannot be sure what area he had in mind when he made his estimate but it supports the figures given to Drummond rather than Herring. Ollard and Walker, *Archbishop Herring's Visitation Returns 1743*, 71, p. 173, and 72, p. 9; Atkinson, *Quarter Sessions Records*, 6, p. xiii.

¹²² J.S.Owen, 'The Moor Coal of North Yorkshire: The Danby Area', *Bulletin of the Cleveland and Teesside Local History Society*, 6 (1969), pp. 19-21; B.J.D.Harrison, 'The Danby Coal Mines: Business and Social History', *Bulletin of the Cleveland and Teesside Local History Society*, 7 (1969), pp. 17-19; Robinson, *Story of Danby*, pp. 80-1 and 211.

CHAPTER THREE

THE VALE OF MOWBRAY MANORS EARLY IN THE SEVENTEENTH CENTURY

The Listed Tenants and Resiants

The population estimates suggest that early in the seventeenth century Snape and Well had about twice the number of villagers to be found at Wath and Carthorpe. This is reflected in the numbers of tenants and resiants listed in the manorial records as shown by Table 4. The numbers of tenants and resiants for each village varied from list to list and the table shows that at Wath and Carthorpe the numbers of resiants varied much more than the numbers of tenants: the ranges of resiant numbers are wider, the numbers of persons appearing in the resiant lists at some time during the eleven years are about three times the mean and few were listed as resiants throughout the book; the tenant ranges are narrower, the numbers of tenants listed at some time are less than twice the mean and the numbers of tenants listed throughout the book represented about half the mean numbers of tenants. The tenant population was clearly more stable than the resiant population. The numbers of persons newly-listed at Snape and Well following the change of steward, reflected in the wider ranges for tenants there, preclude a direct comparison between the manors; but the turnover in resiants is again evident, if less marked, in the proportions of resiants listed at some time and listed throughout the period.

The movement in the resiant lists was in part caused by resiants becoming tenants. At the Easter 1615 leet Robert Rookbie of Snape was amerced 3s.4d for keeping Mark Franck, an undersettle. This was curious if being listed as a resiant gave any sort of status and undersettles were not welcome in Snape for Franck was listed as a resiant at that court and had been listed since resiants were first listed; indeed he might have been listed since his wedding to Emma Rookbie in 1608 if lists had been kept for he appeared in the court baron three times before the first list and was said to be 'of Snape' in one roll. Despite suing Robert Rookbie in June 1615 for trespass in his close and being sued in turn at the same court by Rookbie for one year's rent for his house Franck

		Range	Mean	Listed some time	Listed throughout
Snape	Tenants	47 - 58	50.4	89	26
	Resiants*	9 - 19	13.1	28	6
Well	Tenants	51 - 64	58.4	108	22
	Resiants*	12 - 17	14.5	21	8
Total:			136.4		
Wath	Tenants	21 - 24	22.8	39	11
	Resiants	6 - 13	9.3	26	2
Carthorpe	Tenants	30 - 33	31.4	53	15
	Resiants	4 - 11	6.4	15	-
Total:			69.9		

* From 1614 when resiants were first listed.

Table 4. The numbers of tenants and resiants listed at Snape and Well 1611-21 and Wath and Carthorpe 1625-35.

succeeded Rookbie as a listed tenant in 1617.' William Horner also appeared three times in the manor court and was said to be 'of Snape' once before he appeared in the first list of resiants and was afterwards mentioned as an undersettle before becoming a tenant,

' W1/f.24v; 1/113; 1/115; 1/124; 1/126 and 1/144. Postan equated 'undersettles' with sub-tenants but we will find much evidence of sub-letting and something different and more reprehensible seems to be meant here. The Rev. Atkinson noted the frequent occurrence of the word in the North Riding Quarter Sessions minutes and other contemporary documents and concluded it was a local word seeming to have been much the same as the more modern 'lodger' for which the statute had employed 'inmate'. But undertenants, undersettles and inmates were listed separately at Stainton by Downholme in 1656 which must throw doubt on whether undersettles and inmates were indeed the same. M.M.Postan, *Essays of Medieval Agriculture and General Problems of the Medieval Economy* (Cambridge, 1973), p. 121; Atkinson, *Quarter Sessions Records*, 1, p. 95; NYCRO/ZPT/3/2/13.

although in his case the undersettle entry was deleted.² William Atkinson, Thomas Bucke and John Williamson, three other men who appeared in the first Snape resiant list in 1614, were also mentioned as undersettles the following year but they remained resiants until the end of our period. So did Roger Sadler who was first listed in 1616 and declared an undersettle in 1618.³ They may, of course, have become tenants later for during our period in addition to the two undersettle-resiants seven other Snape men became tenants after being listed as resiants: Richard Carleton seems to have farmed with Elizabeth Carleton before he took over the tenancy from her and she was perhaps his mother;⁴ Thomas Thomson and John Saville junior probably succeeded their fathers;⁵ and George Stele, Robert Shawe, Thomas Craue and Peter Spooner all became tenants after being listed as resiants.⁶ In only eleven years these nine resiants, one third of the persons who appeared at some time in the Snape resiant lists, became tenants. Others still listed as resiants at the end of our period no doubt followed in their steps. The pattern of resiants waiting for tenancies seems clear and in some cases resiancy was preceded by a spell as an undersettle.

The same pattern is revealed at Well. Edward Atkinson was one of five Well undersettles named in April 1612 when it seems no action was taken but eighteen months later his mother Jenetta was amerced ten shillings for keeping him. All five undersettles were to be listed as resiants later but only Atkinson, who appeared in tenant lists from September 1620, reached tenant status before the end of our period.⁷ Four other Well resiants took over tenancies during the eleven years.⁸

² 1/109; 1/110; 1/115; 1/130 and 3/49.

³ 1/130; 1/153 and 3/49.

⁴ Carleton was sued twice for pay and was amerced for failing to remove a fence and ploughing up a markstone which would seem to indicate he employed workers and was engaged in agriculture before he took over the tenancy: 1/107 and 3/38.

⁵ W1/f.40v and 1/153; W1/f.41 and 1/177.

⁶ 1/125; 1/144; 1/164 and 1/170. Stele and Shawe were named as tenant and resiant in the same list on changeover.

⁷ 1/110; 1/170 and 3/44.

⁸ John Reynardson and Thomas Robinson: 1/161; Robert Lund: 1/164 and Henry Johnson: 1/174.

There were less resiants at Wath and Carthorpe and moves to tenant status were fewer: George Harrison appeared in one Wath resiant list before being listed as a tenant thereafter; Peter Wilson was listed as a Carthorpe resiant once before succeeding his father as a free tenant and tenant; Francis Beckwith was a resiant listed for three years before taking over John Beckwith's free-tenancy; and the Carthorpe resiants Christopher Blackborne, Arthur Dodisworth, John Firby, James Toes and George Walker all moved to the tenant lists but they were then listed both as tenants and resiants simultaneously. Elsewhere the tenant and resiant lists were mutually exclusive and it is not obvious why men should have been listed in both simultaneously at Carthorpe.⁹

There was also movement in the other direction. At Snape Elizabeth Grayson was listed as a tenant before she became a resiant who later ceased to be listed at all; Henry Saville was a tenant who became a resiant and then became a tenant again.¹⁰ At Wath Thomas Jackson the badger was listed as a tenant at the first eleven courts leet in the book but was listed as a resiant thereafter; John Todd was listed as a tenant at twelve courts before his tenancy was taken over by Thomas Todd after which it seems he was treated as a resiant until he died only three months later.¹¹ At Carthorpe Christopher Blackborne was a free tenant before he became a resiant and later a resiant and free tenant simultaneously.¹² The call lists show that there was considerable interchange between the groups as resiants took tenancies and tenants gave up their holdings.

The tenants and resiants of Snape and Well seem to have been conscientious about their obligation to attend the twice-

⁹ Firby was listed at the first three courts after he took over the tenancy and the others throughout the book: 20.4.1625; 3.10.1627; 11.10.1631; 9.10.1632; 6.5.1633; 4.10.1634 and 31.3.1635. For purposes of analysis men listed as tenants and resiants simultaneously were treated as tenants.

¹⁰ 1/113; 1/119; 1/125; 1/164; 1/167; 1/170 and 1/174.

¹¹ John Todd was listed as a tenant and resiant simultaneously but given no marks at the twelfth court: 13.10.1630. He was listed as a resiant and marked essoined at the next court but the whole entry was deleted: 20.4.1631. He had been buried in January 1630/31: Wa/p.44.

¹² 4.10.1628 and 14.4.1629.

Marks	Snape		Well		Totals
	Tenants	Resiants	Tenants	Resiants	
Attended	570 86.1%	125 73.5%	580 72.6%	119 62.3%	1394 76.5%
Essoined	23 3.5%	8 4.7%	73 9.1%	21 11.0%	125 6.9%
Excused	58 8.8%	33 19.4%	114 14.3%	46 24.1%	251 13.8%
Sick	4 .6%	-	11 1.4%	1 .5%	16 .9%
Defaulted	4 .6%	3 1.8%	7 .9%	3 1.6%	17 .9%
No mark	3 .5%	1 .6%	7 .9%	1 .5%	12 .7%
Torn	-	-	7 .9%	-	7 .4%
Total marks	662	170	799	191	1822

Table 5. The attendance marks of the Snape and Well tenants and resiants 1615-21.

yearly court leet. Table 5 gives the attendance marks recorded against their names in the call lists from the introduction of the full range of marks by the new steward at the Easter 1615 leet until Easter 1621 and shows that overall their attendance rate was 76.5%.¹³ The Snape tenants and resiants attended the courts held in Snape more often than their opposite numbers at Well who had to travel some two miles to court. The tenants in both villages attended more often than their resiant neighbours. Some absentees took the trouble to arrange essoins but more often they were marked as excused; in a few cases

¹³ The Michaelmas 1621 call list has too many torn entries to be reliable: 1/177. During the period covered very few marks were omitted and few marks have been lost as a result of damage and the table therefore reflects accurately the proportions of marks allocated.

they were marked more specifically as being sick and one Well resiant was marked once as having a maimed limb.¹⁴ Only seventeen default marks were recorded at the thirteen courts covered by the table, less than one per cent of the whole.

The numbers marked as attending from each village fluctuated but over the seven years representation was more or less equal. The number of persons from both villages marked as attending court dropped below one hundred only once and according to the court rolls 117 persons attended the Easter 1617 leet. It is not difficult to imagine the hustle and bustle at Snape when the leet was held and the court offered one of the few opportunities for a social gathering of such a size.¹⁵

The attendance record of the suitors from Wath and Carthorpe is given in Table 6 and their overall attendance rate of 48.8% is comparatively poor. The Wath tenants had to travel some four miles to the court at West Tanfield yet they attended court a little more often than their opposite numbers at Well who had to travel only half as far. But the Carthorpe tenants, who also had to travel some four miles, attended much less frequently. The Carthorpe resiants were also reluctant to travel and the Wath resiants' record was worst. Their default rate was higher than their attendance rate and the mean number attending was less than one per court. Individually there were no exceptions to the poor record of the group: the twenty attendances were shared by eleven resiants, only one of whom had more than two, and sixteen resiants never attended the court during the period covered by the book.¹⁶ The attendance rate of the Carthorpe resiants looks better but a different picture emerges if three resiants who regularly acted as jurors and attended court are excluded: they account for more than half the attendances between them, without them the attendance rate drops to 12.1% and most of the Carthorpe resiants attended little more than their opposite numbers

¹⁴ Henry Hawe: 1/135.

¹⁵ The mean attendance from Snape was 53.4 persons and from Well 53.8 persons. Ninety-eight persons attended the Easter 1621 court: 1/174. Easter 1617 court: 1/144.

¹⁶ The widow Dorothy Simpson attended five times between the Michaelmas 1625 and Michaelmas 1630 courts.

Marks	Wath		Carthorpe		Totals
	Tenants	Resiants	Tenants	Resiants	
Attended	387 77.2%	20 9.8%	301 43.7%	41 29.1%	749 48.8%
Essoined	55 11.0%	105 51.5%	215 31.2%	48 34.0%	423 27.6%
Excused	16 3.2%	3 1.5%	44 6.4%	6 4.3%	69 4.5%
Sick	4 .8%	5 2.5%	9 1.3%	1 .7%	19 1.2%
Not warned	-	-	3 .4%	-	3 .2%
Defaulted	6 1.2%	22 10.8%	28 4.1%	8 5.7%	64 4.2%
No mark	31 6.2%	49 24.0%	89 12.9%	36 25.5%	205 13.4%
Torn	2 .4%	-	-	1 .7%	3 .2%
Total marks	501	204	689	141	1535

Table 6. The attendance marks of the Wath and Carthorpe tenants and resiants 1625-35.

at Wath.¹⁷ Essoins were proffered more often than excuses by absentees from both villages. Again a few were marked sick and 'not warned' was also entered as a reason for absence. The default rate was four times worse than that found in the neighbouring manor. The proportion given no mark is much higher and the omissions seem not to have been accidental for most marks are omitted where attendance was worst. It is assumed most if not all those not marked had failed to attend court but even if every one had appeared the Wath and Carthorpe attendance rate would have been worse than that for Snape and Well.

¹⁷ Richard Danby, Arthur Dodisworth and William Routh.

The differences between the manors could have been because the Snape and Well figures are for a period a decade earlier than those for Wath and Carthorpe and the courts were run by different stewards. The better figures for the Snape court were achieved under what we have seen to be the tighter supervision of Thomas Ascough whereas a decade later the West Tanfield court was stewarded by Geoffrey Adamson who, given the numbers not marked, seems to have been less strict. Ascough listed resiants after his predecessor had neglected to do so and he seems to have required them to take their obligations to attend court seriously. Nevertheless he appears to have been more lenient with the inhabitants of Well which if not on the court's doorstep was still not too far away.¹⁸

What evidence there is suggests that the better attendance rates at the Snape court were not achieved through heavier punishments for default for the few examples available indicate that ameracements were lower there.¹⁹ Notwithstanding the poor attendance record of Wath resiants one of their number presented 'because he is a resident within this manor and owes suit to this court leet and did not attend court but made default' was amerced only twopence at the Michaelmas 1633 court; three of his resiant neighbours were amerced the same sum. At the same court a Nosterfield free tenant who 'obstinately refuses to attend court and do suit as he ought to this court Baron' was amerced 3s.4d. That the clerk recorded the difference between suit to the court baron by a free tenant and suit to the leet by resiants is noteworthy.

The only attendance figures unearthed for a rural court leet elsewhere are those given by Harrison for Cannock and

¹⁸ Adamson was also the steward of Snape and Well at that time: York Minster Library, MAN/SNA/2.

¹⁹ In 1619 three Snape resiants were amerced 4d each and in 1620 a Snape tenant was amerced 6d: 1/161 and 1/167. Between 1625 and 1635 seven tenants from Wath or Carthorpe were amerced 8d, five 6d and one 4d (mean: 6.9d) and eleven resiants were amerced 6d, two 4d and four 2d (mean: 4.8d): 20.4.1625, 10.4.1626; 4.10.1626; 3.10.1627 and 9.10.1633.

Rugeley, Staffordshire, in 1578.²⁰ Of the 265 persons named in a separate list of suitors the court roll revealed that thirty (11.3%) were essoined and forty-five (17.0%) were amerced for default. Harrison concluded the 190 remaining (71.7%) attended court. If excuses were accepted at Cannock they might not appear in a court roll without a call list because they had no financial implications and therefore the attendance rate could have been lower. But in any case comparisons between figures for manors in the Vale of Mowbray and on Cannock Chase gleaned from records separated by over thirty years cannot be taken too far.²¹

Many of the tenants in the four North Riding villages attended most courts leet and took an active part in the administration of the courts. They served as presentment jurors, some as foremen and affeerors, and as constables and bilawmen sworn at the court. They also deliberated as jurors in civil cases heard at the courts baron. It is these aspects of the Vale of Mowbray courts to which we turn next.

The Courts Baron

The people of the manor of West Tanfield were obliged to use the lord's court to resolve their differences. Indeed, occasionally they had to be reminded to do so: at the Easter 1632 leet the West Tanfield jury's pains included 'A paine laid that noe tenants or inhabitants within the mannor of West Tanfeild shall sewe forth of the Lords Court in any other court for accons triable in this court without Licence in paine of evry defalte to forfeite 39s'.

²⁰ Pamela Morris examined attendance at the Little Haywood, Staffordshire, small court but that was a court baron meeting some thirteen times each year. Lord Leconfield also reported on attendance at the Petworth, Sussex, court but it met three-weekly. Morris, 'Manor of Little Haywood', pp. 67-8; Leconfield, *Petworth Manor*, p. 4.

²¹ 'Social and Economic History of Cannock and Rugeley', p. 118. For the same reason Champion's figures for Shrewsbury, Shropshire, the only other attendance figures discovered, can be of no more than passing interest; he calculated *inter alia* that of a frankpledge population of about a thousand in 1620 only 18% attended the view of frankpledge and some 34% defaulted: 'Frankpledge Population of Shrewsbury', pp. 53-6.

There is no such evidence for Snape and Well but no doubt the villagers there were under a similar obligation.

The number of courts recorded in the West Tanfield book is about half the number which would have been held had there been a court baron every twenty-one days. Examination of the intervals between courts revealed that whilst many courts were indeed held every twenty-one days many more throughout the year were not. In particular almost every year there were long gaps between courts in the busy harvest months of August and September and when courts sat in August they transacted little or no business.²² Early in the book there are similar gaps at Christmas. The apparent shortfall in courts can be explained and it would appear that the only courts actually omitted were perhaps those held in a longer gap between April and October 1628 when the record resumes with changed handwriting and abbreviations. Perusal of the Snape rolls showed they too included few courts held at harvest time, that courts were not always held at twenty-one day intervals and that therein lies the probable explanation for the extant records representing some sixty per cent of the theoretical maximum. The records of some courts baron in both manors may not have survived but the figures in Table 7, which gives details of the not inconsiderable numbers of actions in the extant records, are certainly a better sample than it might have appeared.²³

More than half the actions at West Tanfield and more than three-quarters at Snape and Well were for debt. The amounts sought are not always given but Table 8 shows that where they are they are very similar in both manors and half the debts were for less than ten shillings. Trespasses were the next most common cause of action in both manors. Because the clerk at West Tanfield entered

²² At Havering, Essex, in July 1568 a court was cancelled because of the harvest: McIntosh, *Community Transformed*, p. 315. At Little Haywood, Staffordshire, in 1579 a court official wrote that no courts would be held from 29 July to the end of the September because of the harvest and Pamela Morris found there were notably fewer courts there in August and September in the last fifty years of the sixteenth-century: 'Manor of Little Haywood', p. 68.

²³ The Snape and Well figures cover the courts baron held from 28 March 1611 to 20 December 1621 and the West Tanfield figures the courts baron held from 20 April 1625 to 26 March 1636. The West Tanfield figures include all the cases brought at the court, not only those brought by the villagers of Wath and Carthorpe.

Action	Snape and Well	West Tanfield
Debt	699	350
	77.4%	57.1%
Trespass)	57
)	9.3%)
Trespass on case) 173	73
) 19.2%	11.9%) 28.2%
<i>Assumpsit</i>)	43
)	7.0%)
Detinue	23	83
	2.5%	13.5%
Others*	8	7
	.9%	1.2%
Totals	903	613

* Includes cases where the nature of the action could not be discerned, usually because the roll is torn or the parties' particulars were entered but the nature of the action was left blank.

Table 7. Civil actions at the courts baron at Snape and Well 1611-21 and West Tanfield 1625-35.

more details the trespasses pursued there could be sorted into trespass proper, trespass on the case and trespass on the case by *assumpsit*.²⁴ The records of civil actions at Snape and Well are generally sparser, only rarely did the clerk there add 'case' or '*assumpsit*' to trespasses and it was therefore impossible to differentiate between the various types of trespass. The actions remaining were mostly detinue, usually of animals. The other cases at West Tanfield included two assaults and two cases where the lord sued for failure to grind corn at his mill and failure to plant trees respectively.²⁵ The proportions of civil actions in the North Riding courts baron are not too far removed from the proportions found by Pamela Morris in the records of the small court at Little Haywood,

²⁴ His propensity to record 'trespass, xc' and the absence of even brief details in some cases means that the trespass column may include some cases which ought to have been included in the other two columns. However, where brief details are given they confirm it was the clerk's general practice to add the words 'case' and '*assumpsit*' where appropriate and it seems safe to assume that most, if not all, of the entries in the trespass column are simple trespasses.

²⁵ 5.5.1627 and 5.5.1632.

Amount	Snape and Well	West Tanfield
Less than one shilling	13 1.9%	11 3.5%
One shilling and over but less than ten shillings	322 48.1%	158 50.5%
Ten shillings and over but less than twenty shillings	140 20.9%	59 18.8%
Twenty shillings and over but less than thirty shillings	110 16.4%	47 15.0%
Thirty shillings and over but less than forty shillings	71 10.6%	38 12.1%
Forty shillings and over	14 2.1%	-
Totals	670	313

Table 8. Breakdown of amounts sought in actions for debt at Snape and Well 1611-21 and West Tanfield 1625-35.

Staffordshire, late in the sixteenth century: actions for debt there accounted for two-thirds and cases of trespass and distraint of animals about a sixth each.²⁶

²⁶ 'Manor of Little Haywood', pp. 65, 71-2, 75, 80 and 84 and letter of clarification from Mrs. Morris (debts were 65.6%, trespasses 17.7% and distraints 16.7%). At Marske in the North Riding in the mid seventeenth century debts accounted for 58.7% of suits: Bruen, 'Leet Jurisdiction and Social Regulation', pp. 156-7 (Bruen did not divide the remaining cases into trespasses and detinues). The proportions are also in accord with the proportions at Havering, Essex, a century and more earlier where debts accounted for over half civil actions, trespasses were about a quarter and detinue about one tenth; debts also seem to have predominated at Redgrave, Suffolk; both these courts declined in the fifteenth century: McIntosh, *Autonomy and Community*, pp. 192-5; *idem*, *Community Transformed*, p. 302, Table 5.1; Dawson, *History of Lay Judges*, p. 229. The only other court baron for which figures were found was that for Keevil cum Bulkington, Wiltshire, which in 1618 had fifty-four tenant suitors and dealt with only three actions per annum: M. J. Ingram, 'Communities and Courts: Law and Disorder in Early-Seventeenth-Century Wiltshire' in Cockburn, *Crime in England*, p. 113.

Actions in the court baron were assumed to have been limited to less than forty-shillings and Professor Goldwyn Smith has described succinctly how this limit is said to have come about:

The Statute of Gloucester (1278) expressly provided that no person should have a personal action writ from Chancery unless the property involved was worth at least forty shillings. This provision obviously meant that no such case could be heard in the king's courts when the amount at stake was less than forty shillings... Royal judges used a mixture of imagination and legal logic to interpret this provision as meaning that personal actions could not be brought in any local court if they involved amounts greater than forty shillings. This was a fairly substantial amount in the thirteenth century but as money values dwindled forty shillings became a small sum indeed.²⁷

The limit was also assumed to apply to amercements. But Beckerman has pointed out that the jurisdictional limit was actually restricted to actions for debt-detinue and was much older than the Statute of Gloucester.²⁸ The West Tanfield figures include nine plaintiffs who sued for 39s.11d, including cases where the plaintiff sought '39s11d part of 40s', and none sought more so it seems the steward there accepted the limitation. At Snape nine persons also sued for debts of 39s.11d which would seem to indicate the limit was accepted there too but in fourteen cases the amounts sought exceeded the limit; in six cases it was exactly forty shillings but in the other eight it was more, the most asked for being 53s.4d.²⁹ Manors of royal or ancient

²⁷ G. Smith, *A Constitutional and Legal History of England* (New York, 1955), pp. 170-1. Note the professor's imprecision about actions of exactly forty shillings.

²⁸ Dawson, *History of Lay Judges*, pp. 228-9; J.S. Beckerman, 'The Forty-Shilling Jurisdictional Limit in Medieval English Personal Actions', *Legal History Studies*, (1972), pp. 110-17. Gomme pointed out three marks (forty shillings) was the limit of the jurisdiction of the ancient Gothic courts: G.L. Gomme, *The Literature of Local Institutions* (London, 1886), p. 176.

²⁹ 11.11.1727, 31.3.1635, 1/120, 1/128, 1/139, 1/140 (31.10.1616), 1/144, 1/170 and 1/174. At Little Haywood, Staffordshire, and Petworth, Sussex, the limit applied was 39s.11~~1~~d: Morris, 'Manor of Little Haywood', p. 75; Leconfield, *Petworth Manor*, pp. 7-8.

demesne were not subject to the limit, others were exempted by royal charter and yet more were exempted by statute, while the limit might also be extended by prescription.³⁰ There is nothing in the records to indicate whether the Snape and Well court claimed exemption or whether the limit was simply being ignored.

Through a servant the lord of the manor at Snape was plaintiff in no less than seventy-one cases of debt and twenty cases of trespass, 10.1% of the whole.³¹ They included eight of the cases where the alleged debts exceeded 39s.11d. This vigorous use of the court baron seems to have been yet another change introduced by John Ascough: under the previous steward the lord occasionally sued in his own court but such suits increased from 1614. Many of these cases involved tenants who had taken trees and the debts recovered

³⁰ Marjorie K. McIntosh, *Autonomy and Community: The Royal Manor of Havering, 1200-1500* (Cambridge, 1986), pp. 1 and 194; Emmison, *Elizabethan Life*, p. 216; F.A. Bailey (ed.), *A Selection from the Prescott Court Leet and Other Records 1447-1600*, (Record Society of Lancashire and Cheshire 89 1937), pp. 75 and 320; The Fifth Report by the Commissioners Appointed to Inquire into the Practice and Proceedings of the Superior Courts of Common Law: Provincial Courts in England for the Recovery of Small Debts (1833), pp. 9 and 14; H. Lumb, *Nomina Villarum: or An Alphabetical List of the Townships, Hamlets and Principal Places within the Liberty of the Manor of Wakefield, with The Rules of Practice in the Court Baron of the Manor* (Wakefield, 1816), p. 8; Earl of Halsbury, *Halsbury's Laws of England* (31 vols, London, 1907-17), Third Ed., Viscount Simonds (ed.) (42 vols, London, 1952-64), 8, p. 279, footnote (u) (This and later references to *Halsbury's Laws of England* are given by kind permission of Butterworths, the publishers).

³¹ John 'Frankland' or 'Franklin' sued many times in the lord's name from 1614; he was described as 'receiver and seneschal of the court' in 1616 and 'steward' in English in a memorandum in 1617. He was still suing for the lord as 'servant and receiver' in 1621: 1/120, 1/132, 1/134, 1/140, 1/150 and 1/178. His description as 'steward' and 'seneschal' seems incompatible with Ascough's stewardship and Franklin may have been a deputy. Although Ascough was named as 'seneschal, i.e. steward, in the titles to the court rolls Franklin may have presided: McIntosh, *Autonomy and Community*, p. 185, footnote 12.

	Debt	Trespass	Detinue	Others	Totals	
Defendant accepted, said nothing, absent, etc.	416	15	-	-	431	57.8%
Agreement	102	22	4	-	128	17.2%
Plaintiff did not pursue	6	2	-	-	8	1.1%
Arbitration	9	21	3	-	33	4.4%
Jury for plaintiff	37	42	5	-	84	11.3%
Jury for defendant	11	8	4	1	24	3.2%
Others*	19	16	2	-	37	5.0%
Totals	600	126	18	1	745	

* 'Non suit'; vacated; and defendant excused, amerced or placed at will of lord.

Table 9. Known results of civil actions at Snape and Well court baron 1611-21.

were much more than the fines juries had levied for the same misdeeds.⁹² Only twelve actions were brought by the lord of the manor at West Tanfield in the similar period a decade later, 2.0% of the whole, and only two involved taking timber.⁹³

The outcomes of 82.5% of the 903 actions are recorded in the Snape and Well rolls and the results are given in Table 9. In most cases the defendant acquiesced in a finding against

⁹² At the court leet held on 16 May 1614 three men were amerced 12d, 12d and 3s.4d respectively for felling oak trees; at the court baron held on 18 November 1614 fifteen men were sued for taking oak trees and the debts claimed ranged from 9s.8d to 43s.4d: 1/115 and 1/120. As seen in Chapter Two the improvements assumed to have been Ascough's started from Michaelmas 1614. Lord Leonfield noted that felling trees without a licence was treated as a serious offence at Petworth, Sussex, in the seventeenth century: the culprits forfeited the land on which the timber stood and it was restored only when they had paid six times the value of the timber: *Petworth Manor*, pp. 29-30.

⁹³ 25.2.1625/6 and 5.5.1632. The first of these cases related to three oak trees sold in May 1617 so the case was brought almost nine years after the event.

	Debt	Trespass	Detinue	Others	Totals	
Defendant accepted, said nothing, absent, etc.	81	15	5	2	103	27.5%
Agreement	103	42	9	-	154	41.1%
Plaintiff did not pursue	6	9	6	-	21	5.6%
Arbitration	2	3	-	-	5	1.3%
Jury for plaintiff	17	32	15	-	64	17.1%
Jury for defendant	12	6	6	-	24	6.4%
Others*	1	3	-	-	4	1.1%
Totals	222	110	41	2	375	

* Voided, dismissed or plaintiff died.

Table 10. Known results of civil actions at West Tanfield court baron 1625-35.

him or came to an agreement with the plaintiff. Only occasionally did the plaintiff drop the matter. The plaintiffs also seem to have fared better in the cases which went further for juries found for them in just over three-quarters of jury trials where we have their decisions and the arbiters found for the plaintiff in all four arbitrations for which we have conclusions. Because the West Tanfield court book was not the final record it is not surprising that many entries are incomplete. Many civil cases were adjourned at the first hearing and it is assumed they were settled between the parties before the adjourned hearing. In other cases the defendant was distrained to attend a later court and perhaps forfeited the distraint by failing to attend to defend the action. Agreements between the parties and failures to attend are recorded in many cases but no doubt in others, and in other similar circumstances, the clerk knew the outcome and entered it in the formal rolls without making a note in the book. However, results are available for 61.3% of the 613 court-baron suits recorded and they are given in Table 10. The omissions could account for the proportions in the table differing somewhat from those in Table 9 but they could also reflect the influence of the different

steward: the defendant appears to have acquiesced in half as many cases, agreement seems to have been reached in twice as many and arbitration seems to have been used less. The proportion of plaintiffs successful before juries is about the same. The bigger sample from Snape and Well is perhaps more reliable than that from West Tanfield. The results for the latter court could also be suspect because no less than 13.7% of the cases involved either Richard Bell or Giles Mitchell and indeed 9.2% of the cases involved them suing each other. Another 6.9% of the cases involved either Christopher Knowles or George Threapland. These Exilby men between them therefore accounted for about one fifth of the civil cases heard at West Tanfield. Their cases are spread across the spectrum of debt, trespass, case, *assumpsit* and detinue and the results range from agreement to jury trial. Their enthusiasm for litigation, apparently regardless of the cost, must detract from the usefulness of the civil cases for comparison with other manors, unless of course such enthusiastic litigants are found elsewhere. There were no such litigants at Snape and Well.³⁴

Extolling the virtues of the court baron almost two hundred years ago William Marshall pointed out that manorial juries were 'frequently called in as arbiters of private differences'. He asked 'who are so fit to settle village disputes, as a jury of neighbours, who have personal knowledge of the parties and the subject matter in dispute?' Marshall anticipated modern historians who have addressed the question of local conflict and pointed out the role of the manor court in handling tension in the community: friction could be channelled into confined and non-violent forms and the settlements promoted there could restore goodwill. They have found the evidence in particular in the private agreements recording compromise often found in the records and in the more occasional references to arbitration. One fifth of the suits at Snape

³⁴ At Cannock and Rugeley, Staffordshire, a case going to jury trial could cost as much as 16s.4d: Morris, 'Manor of Little Haywood', pp. 77-8. Bruen has reported the outcomes of 247 cases of debt and trespass at Marske in the North Riding but unfortunately not in a form facilitating comparisons with the more precise outcomes reported here: 'Leet Jurisdiction and Social Regulation', p. 123.

and Well and two-fifths at West Tanfield were eventually marked 'Concord' and both courts referred occasional cases to arbitration. That the West Tanfield court apparently failed to quell the animosity of the four tenants at Exilby does not mean that it failed to resolve tension in other cases, indeed of the forty-four results in cases involving Richard Bell or Giles Mitchell nine were agreed including four of the cases where they had sued each other.³⁵

However, it has been suggested that some of the cases of debt where the defendant agreed or acquiesced were not what they seemed. Harrison noted that most pleas at Cannock and Rugeley, Staffordshire, were for debts arising from unpaid goods and services many of which were begun but not pursued because 'Not only was the process complex and long, it was also expensive ... It is no wonder that most pleas were never fully prosecuted and that most litigants sought an early licence to agree'. But he also assumed there were too many suits for all to be genuine disputes and that many pleas where the defendant entered a *concord* were really a means of tenants and sub-tenants registering 'title' by obtaining a record of their respective financial rights and obligations.³⁶ Harding thought

The fictional plea may have been used first in the case of debt. The creditor brought an action for debt, arranging (presumably as a condition of the original loan) that the debtor should not contest the plea. Judgement was then given for the creditor, who could enforce it when he pleased, by getting a writ of execution issued on the basis of the record.³⁷

³⁵ Marshall, *Rural Economy in Yorkshire*, 1, p. 28; Ingram, 'Communities and Courts', pp. 125-6; McIntosh, *Autonomy and Community*, p. 191; *idem*, *Community Transformed*, pp. 216 and 303-4.

³⁶ 'Social and Economic History of Cannock and Rugeley', pp. 86 and 153.

³⁷ *Social History of English Law*, p. 53. He was writing of the higher courts but the fictional plea would apply in the court baron *mutatis mutandis*. Havering, Essex, was a manor of ancient demesne and therefore the tenants were able to use the little writ of right close in collusive actions for the transfer of land; ten to fifteen per cent of land transactions there were collusive: McIntosh, *Community Transformed*, pp. 102-5, 301 and 304.

If some of the pleas in the Vale of Mowbray courts were of this type one might expect that every now and again there would be some indication in the records that a 'plaintiff' had had to take action to enforce the obligation of the 'defendant'. In the Snape and Well rolls there are no single suits with lengthy adjournments or separate suits where the identical parties and sum involved could indicate that the second suit was the first suit resurrected. Examples in the West Tanfield court book are inconclusive.³⁹

Not all actions sent to juries are included in Tables 9 and 10 because we have no decisions in thirty-nine jury cases at Snape and in one case at West Tanfield. The proportions of all actions recorded which were sent to jury trial were remarkably similar in the two manors, 16.3% at Snape and 14.5% at West Tanfield.³⁹ We have seen that about three-quarters of juries found for plaintiffs. In five cases at West Tanfield they went further and declared that the plaintiff had made a false claim and should be amerced. This occurred, for example, when a plaintiff had alleged the vicar had asked him to look after a horse and claimed the costs but the jury found the vicar had done no such thing.⁴⁰

We have seen that William Marshall thought the jury of neighbours at the court baron an ideal means of settling village disputes. He was echoing Sir Thomas Smith who had written of the court baron

³⁹ A nine-month delay in Knowles v Smith could have been because of the plaintiff's death and resumption of the case by his executor or simply a long wait for a jury trial to be arranged: 20.1.1626/7, 10.2.1626/7, 3.3.1627/7, 1.12.1627 and 22.12.1627. A seven-month delay in Dawson v Burne was also probably a wait for a jury trial: 28.2.1628/9, 14.4.1629 and 28.11.1629. Lengthy waits for jury trials were not unknown: Dowson v Wilson was adjourned six times before the jury heard the case: 27.2.1630/1, 19.3.1630/1, 13.5.1631, 4.6.1631, 25.6.1631, 16.7.1631 and 13.8.1631; Mitchell v Bell was similarly adjourned six times: 13.5.1631, 4.6.1631, 25.6.1631, 16.7.1631, 13.8.1631 and 11.10.1631.

³⁹ At Little Haywood, Staffordshire, only four of 260 actions (1.5%) went to jury trial in thirteen years: Morris, 'Manor of Little Haywood', pp. 65 and 83-4.

⁴⁰ 26.5.1627. In another case the plaintiff seems to have been fortunate for the clerk recorded that he had not told the truth but there seems to have been no amercement: 19.3.1630/1.

Plaintiff	Defendant	Total	
Snape	Snape	313	34.7%
Well	Well	165	18.3%
Snape	Well	31	3.4%
Well	Snape	59	6.5%
Lord	Snape or Well	91	10.1%
Outsider	Snape or Well	102	11.3%
Snape or Well	Outsider	8	.9%
Outsiders	Outsider	1	.1%
Not known	Snape or Well	103	11.4%
Snape or Well	Not known	27	3.0%
Not known	Not known	3	.3%
	Total	903	

Table 11. Residence of parties in civil actions at Snape and Well court baron 1611-21.

And if anie small matter be in controversie, it is put to them, and commonly they doe ende it. But these courtes doe serve rather for men that can be content to be ordered by their neighbours, and which love their quiet and profit in their husbandrie, more than be busie in the lawe.⁴¹

Table 11 shows that 53.0%, and perhaps more, of the cases taken to the court baron at Snape involved neighbours in Snape or in Well. These neighbours ranged across the social groups from the free tenant Christopher Danby esquire of Thorpe Perrow who sued four times to the ex-undersettle, resiant and labourer Thomas Bucke of Snape who sued

⁴¹ *De Republica Anglorum* (London, 1583), 2, c.17, quoted in Dawson, *History of Lay Judges*, p. 232.

once and was sued five times.⁴² In at least a tenth of the other cases residents of one village sued residents in the other, a clear indication of the contact between the villagers noted in Chapter Two. The lord's suits against residents of both villages account for another tenth. Plaintiffs not from Snape or Well can be identified in 11.3% of the actions and many of the plaintiffs whose residence remains unknown were no doubt also outsiders.⁴³ Details of the known non-resident plaintiffs are given in Table 12 which shows that all but four of their 102 suits were actions for debt and that although the cases involved outsiders they were still overwhelmingly local: in over a third of the cases plaintiffs dwelt not more than two miles from Snape and in over a half less than five miles away. In a quarter of the cases plaintiffs lived ten miles or more distant but they initiated only 2.9% of all the actions recorded. Not always do the rolls indicate the nature of the debts but the examples in the table suffice to show that the villagers sometimes looked outside the manor to buy cloth, corn, and other items and to borrow money. It was the practice in some manors elsewhere for defendants to be sued where they lived regardless of where debts were incurred or wrongs were committed.⁴⁴ It is clear from Table 11 that this was generally the practice at Snape too for known-outsider plaintiffs outnumber known-outsider defendants twelvefold. But John Kitchin wrote that 'every stranger which comes within the Mannor may be sued there in Debt or Trespass ... it is determinable in a Court Baron, by plaint there' and in eight of the actions in the table residents of Snape or Well

⁴² Danby: 1/166 (3.2.1619/20) and 1/167; Buck: 1/142, 1/151 (25.1.1617/18), 1/158, 1/168 (1.6.1620), 1/169 and 1/170 ('labourer').

⁴³ The places of residence are given in the court baron rolls or were gleaned from elsewhere in the rolls and from the parish registers. For only 14.7% of the actions was it not possible to ascertain residence for one of the parties or both, either because it was not available in these sources or in a few cases because that part of the record of the action was torn or illegible.

⁴⁴ This was the practice at Little Haywood and Cannock and Rugeley, Staffordshire: Morris, 'Manor of Little Haywood', p. 82.

Plaintiffs' Places of Residence	Miles from Snape	Number of Plaintiffs	Actions	Including
Aiskew	2	2	3 Debt	Money lent, cloth dyed
Bedale	2	7	28 Debt	Oats, cloth
Exelby	2	1	2 Debt	Rye
Thornton Watlass	2	1	4 Debt	Money lent
Watlass	2	1	1 Debt	Money lent
Sub-total:			38	(37.3%)
Burneston	3	1	1 Debt	
Nosterfield	3	2	4 Debt	
			1 Detinue	Horse
Crakehall	4	1	1 Debt	
Firby	4	2	3 Debt	Corn, wood.
Kirklington	4	1	1 Debt	Peas
Sutton Howgrave	4	1	3 Debt	Wood
Tanfield	4	1	1 Debt	Pledge
Thornborough	4	2	4 Debt	Cloth, corn.
West Tanfield	4	1	1 Debt	Malt
Sub-total:			20	(19.6%)
Binsoe	5	1	1 Debt	Use of cow
Fearby	5	1	3 Debt	Cow
Mickley	5	1	1 Debt	Tree
Grewelthorpe	6	1	1 Debt	Beast
Holme	6	1	1 Debt	
Morton [on Swale]	6	1	1 Debt	Rye
Melmerby	7	1	1 Debt	Peas
Swainby	7	1	1 Debt	
Middleham	8	2	8 Debt	Money lent
Sub-total:			18	(17.6%)
Ripon	10	6	12 Debt	Cloth
Hipswell	11	1	2 Debt	Rent
Sawley	11	3	4 Debt	Use of cow, child's board
			1 Detinue	Bull
			1 Trespass	Took horse
Thirsk	11	1	2 Debt	
Marton le Moor	12	1	1 Case	
Richmond	12	1	1 Debt	Wood
Countersett	22	1	1 Debt	
York	30	1	1 Debt	On a bill
Sub-total:			26	(25.5%)
Total 102				

Table 12. Known places of residence outside Snape and Well of plaintiffs at Snape and Well court baron 1611-21.

sued derendants who did not live in Snape or Well.⁴⁵

It was not possible to carry out a similar analysis of outsiders' use of the West Tanfield court baron. Plaintiffs and defendants from villages in the manor other than Wath and Carthorpe and from villages in the neighbouring manor also used the court. The villages shared parishes with villages outside the manor and parish registers could not be used to make up for the absence in many cases of entries giving the parties' residences. It was not unusual for men in the same village and in neighbouring villages to share the same name and whereas more often than not the court clerk differentiated between men in the same village by adding 'senior' or 'junior', or by adding the occupation, he only occasionally did this where men came from different villages; no doubt he and everyone else concerned, but not the hapless researcher 350 years later, knew who was meant. To attempt to identify the parties under these circumstances would have been time-consuming and even then perhaps unproductive.

The general problems of identifying individuals from historical records have been addressed by Wrigley. He noted that the rules evolved for nominal record linkage by historians, demographers, and others wanting greater precision in linking persons with identical names provide consistency and remove unconscious bias. But he added that they also lead to loss of flexibility and sensitivity to the context of the records. He pointed out that perfect accuracy is beyond attainment for 'there will always be doubtful cases in historical record linkage'; 'there will be cases where there is no apparent doubt ... but where the link is yet false, chance coincidence in names and other characteristics having produced a spurious link'.⁴⁶ The chances of such coincidences are less in comparatively small villages and the application of intuition and

⁴⁵ *Jurisdictions*, p. 148. The single case known to have involved nobody from Snape or Well is not the anomaly it seems because the plaintiffs and the defendant lived in Nosterfield part of which was in the manor and the defendant was Thomas Byerley, a free tenant of the manor.

⁴⁶ E.A. Wrigley (ed.), *Identifying People in the Past* (London, 1973), pp. 1-15.

common sense appeared to resolve most problems but the possibility of spurious links and potential bias must be borne in mind. Comparatively few items in the records of all three North Riding manors could not be allocated to individuals using the clerks' amplification and other information known about the persons concerned and where they could not be allocated they proved to be insignificant: in every case if all the items were allocated to one or the other of the persons with identical names the person would not have been more significant as a landholder, officer-holder or inhabitant for the purposes of this thesis. Thus, even if intelligent guesswork has given rise to the occasional spurious link, the outcome has not been affected.

We have seen that about one sixth of actions went to juries and that they found for the plaintiff in about three-quarters of the cases. But often plaintiffs were not wholly successful for they were not always awarded what they purported to seek: Thomas Thomson, the victim of an affray blood, sought thirty-nine shillings damages but he was awarded fourpence; and Jane Whorlton, the owner of a pig killed by a dog, sought ten shillings and was awarded two shillings.⁴⁷ Baker has pointed out that some local courts provided adequate remedies 'for men whose reputation was not valued above forty shillings'.⁴⁸ Some reputations seem to have been valued at much less: when Anna Johnson's husband sought 39s.11d because Margaret Inglebie had accused her of receiving stolen bacon the arbiters granted him sixteen pence; and when Thomas Lumley claimed the same sum because William Bulmer had accused him of being a 'cosener' he obtained only twelve pence. Claims in excess of the true cost of the damage have been found to be usual elsewhere but many other claims at the two Vale of Mowbray courts seem to have been

⁴⁷ 1/109, 1/112, 1/162 (20.5.1619) and 1/179 (20.12.1621).

⁴⁸ *Introduction to English Legal History*, p. 247.

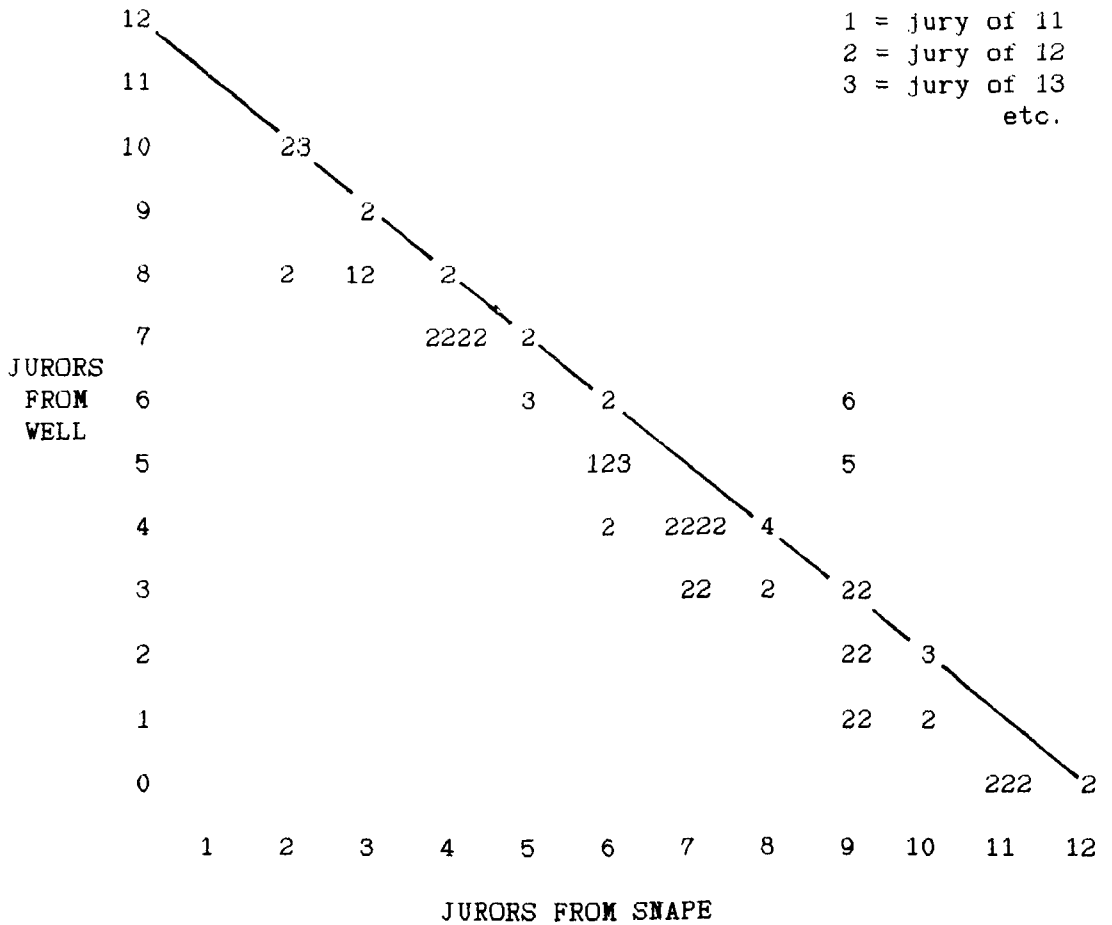
realistic for the juries awarded what was sought.⁴⁹

The court baron juries at Snape usually consisted of men from both villages. When William Bedforth sued Christopher Hunter at the leet held at Michaelmas 1621 the clerk recorded the outcome as '*super patria de Well*' which would seem to indicate that it was the practice to have Well juries and Snape juries but this was not the case. Of the forty juries listed in the available rolls only one can be shown to have been formed wholly of men identified as being from only one of the villages. In three other cases this might have been the case but otherwise the juries were a mixture of Snape and Well men. The proportions cannot be calculated with any precision because no less than twenty-seven of the forty juries included one or more men with identical names in each village and three juries included men not otherwise mentioned in the rolls.⁵⁰ A further complication is that the juries were not of constant size: thirty-one were of twelve men but two were of eleven, four were of thirteen and three were of fourteen, fifteen and sixteen respectively.⁵¹ Nevertheless, the distribution of jurors in Figure 2 shows that the juries were fairly evenly divided between the two villages, sometimes leaning one way and sometimes the other but showing no definite

⁴⁹ Harrison, 'The Social and Economic History of Cannock and Rugeley', p. 149; Morris, 'Manor of Little Haywood', p. 80. Other examples of marked reductions can be found at 1/153-4 (39s.11d:5s and 39s.11d:2s), 1/159 (12.11.1618) (39s.11d:20d in four cases), 22.12.1627 (36s:5s.6d) and 31.10.1635 (20s:3s). Some marked reductions have also been reported at Marske, North Riding: Bruen, 'Leet Jurisdiction and Social Regulation', pp. 129 and 142.

⁵⁰ 3/91; 1/147 (all Snape); 1/159 (3.12.1618) and 1/160 (28.1.1618/19) (all Snape only if the juror William Reynard was the Snape man of that name rather than his namesake in Well); and 1/166 (13.1.1619/20) (all Snape if similarly John Sicklinge lived in Snape). The unlisted jurors were Francis Lund: 1/128 and 3/51; Edward Buck: 1/134; and William Lambert: 1/162 (20.5.1619). George Stele was a juror before he was listed as a resiant: 1/117 and 1/125. A juror called Barckhouse could not be identified because of a blot over his christian name: 1/124.

⁵¹ Eleven: 1/171 (13.12.1620) when one juror was amerced for default and 3/75 when three other names were entered but deleted; thirteen: 1/152 (26.3.1617/18), 1/168 (11.5.1620), 1/169 (22.6.1620) and 1/178 (30.6.1621); fourteen: 1/163; fifteen: 1/152 (5.3.1617/18); and sixteen: 3/51. A jury of less than twelve was acceptable at the court baron: Jacob, *Complete Court Keeper*, p. 4; Kitchin, *Jurisdictions*, p. 13; Scroggs, *Practice of Courts-Leet*, p. 57; Ault, *Private Jurisdiction*, pp. 167-8.



The diagonal line represents the various possible combinations of twelve-man juries formed wholly of men identified as from Snape or Well. The twelve-man juries below the line included one or two men who cannot be so identified. Juries of more than twelve men should be above the line but may be on or below the line if they included one or more men who cannot be identified. The juries to the left of the figure had more men from Well and to the right more men from Snape.

Figure 2. Residence of civil jurors at Snape and Well courts baron 1614-21

tendency towards village juries as such. Of 491 appearances 182 (37.1%) jurors appeared from Well and 270 (55.0%) appeared from the bigger village of Snape where the court was held, the remainder being those who could not be allocated to either village.⁵²

⁵² Identification problems precluded a similar analysis for West Tanfield where, as we saw in the case of Thomas Jackson, juries also consisted of men from several villages.

The number of men from each village who ever served on the civil juries researched was forty-three in each case, or forty-six if the men with identical names served at least once each: given the greater number of appearances from Snape the jurors there seem to have served more often. The most frequent civil jurors in the sample were John Cole of Snape and John Smorthwaite of Well who each served on sixteen of the forty juries. The majority of civil jurors were listed tenants: resiants and unlisted persons accounted for only seventeen of almost five hundred appearances (3.5%). Of the seventeen non-tenants eleven were ex-tenants or tenants-to-be which only serves to emphasize the tight grip maintained on civil juries by the tenants of both Snape and Well.⁵³

The courts baron held regularly, if not three-weekly, at Snape and West Tanfield provided useful local facilities for the resolution of civil wrongs. Most of the cases they handled were debts but trespass and detinue were flexible enough to enable them to deal with a range of grievances from an affray blood, which would more often be dealt with by presentation at the leet, to a dog killing a pig; and from the retention of items as varied as a 'mattress and boalster', a scythe and a spinning wheel,⁵⁴ to scandalous words including 'That his usage of his Aunte had made her gone madd', 'Thou art a common whore', 'Thou art a wiche', 'Thou didst steale the blacks or black cloth from the Pulpitt at Bedall' and 'Thou didst holde my wife while John Scurrey would have ravershth her'.⁵⁵ At Snape the facilities were available not only to the lord

⁵³ Smorthwaite was buried before the fortieth jury sat: W1/f.41. Francis Dinsdale, George Cole and Thomas Gatenbie of Snape served on fifteen, thirteen and thirteen of the forty juries, Thomas Johnson and Thomas Lumley of Well served on twelve and eleven of the forty juries and Thomas Yeates of Snape served on fourteen of thirty-four juries before he disappeared from the tenant lists. Henry Savile of Snape served once when a resiant between tenancies: 1/169 (3.8.1620); Francis Pibus served eight times as an ex-tenant resiant: 1/152 (5.3.1617/18), 1/158 (12.11.1618), 1/160 (18.2.1618/19), 1/169 (22.6.1620), 1/179 (20.12.1621), 3/45, 3/51 and 3/53; Thomas Thomson of Snape and Thomas Robinson of Well served once each as resiants before becoming tenants: 1/141 (9.1.1616/17) and 1/152 (26.3.1618).

⁵⁴ 1/109, 1/115 and 1/166 (13.1.1620).

⁵⁵ 1/115, 1/162 (29.4.1619), 1/171 (13.12.1620) and 1/177.

and the villagers of Snape and Well but also to those living in neighbouring villages and a few from further afield. There is no reason to doubt that this was also the case at West Tanfield. The courts appear to have thrived early in the seventeenth century and the parties seem to have been content to have their allegations adjudged by juries of their peers.

The Verdicts, Presentments and Pains

It is not unusual to find the wording of court titles differentiating between the court leet of the king and the court baron of the lord but the records thereafter are usually undifferentiated. The split in the records of each leet held at West Tanfield in 1635 was therefore unexpected. At Easter the words 'Court Baron' were deleted from the main title and a full heading for a court baron was inserted later in the record. Curiously the civil actions, court-baron rather than leet business, appear before the court-baron heading. All the offences presented at that court were manorial in character and their appearance after the court-baron heading was appropriate. At Michaelmas the record was similarly split and again the pleas appear before the court-baron heading but on this occasion the offences presented were both statutory and manorial; statutory offences appear in the leet part of the record and various manorial offences and pains appear in the court-baron part. The manorial offences were affeered but the leet offences were not.⁵⁶ These comparatively unusual examples of the courts being split confirm Ault's assertion that 'the difference between franchisal and domanial jurisdiction was clearly understood, though the same court might exercise both without appearing to distinguish between them.'⁵⁷

The verdicts for the four villages at the more usual undifferentiated courts were a thorough mixture of statutory

⁵⁶ Amercements at the court baron had to be affeered but fines at the leet were not: Bennett, *Life on the English Manor*, p. 219; Scroggs, *Practice of Courts Leet*, p. 116.

⁵⁷ *Private Jurisdiction in England*, p. 136. The Webbs record an example of a split court record at Braintree, Essex, in 1709: *Manor and the Borough*, pp. 72-3. The Arncliffe court 'Direcons' of 1740 assert that 'The Stiles of Court Leet and Baron ought to be separately made and Entered and the Proceedings of (Continued ...

and manorial offences.⁵⁷ Most offenders were individuals but occasionally the presentment was of a whole village, a group of tenants or an unspecified group.⁵⁸ In the ordinary course of events villagers occasionally appear in verdicts from other villages when they had misbehaved there but for no apparent reason verdicts at West Tanfield sometimes include numerous offenders for offences committed other than in the village concerned.⁵⁹ Occasionally the court itself punished offenders not included in any presentment because the offence occurred at court, leaving the court early being a typical example.⁶⁰

The numbers of offences presented varied considerably. The Snape jury presented only sixteen offences at the Michaelmas 1611 court yet they presented 101 two years later. The

⁵⁷ Continued ...) each Court after the stile of each court': NYCRO/ZFL/119. The roll for the Easter 1743 court held at Arncliffe lists the jury, resiants, constable and bailiff under a leet heading and the freeholders, tenants, presentments and pains under a court-baron heading: NYCRO/ZFL/117. In an address to the leet jury at Dalton after the interregnum the lord's son differentiated between the 'freeholders and tennants of his Ma:tie Leete & my fathers Mann', said that his father 'would never keepe a Court Leete but in his Ma:tie name' and that he had been 'wronged and dishonoured' ... because they had 'kept a Court in the name either of the keepers of the liberties of England ... or of Mr Oliver, or Dick Cromwell &c': NYCRO/ZPT/17/2/11.

⁵⁸ The verdict of the Snape jury at the Michaelmas 1616 leet is a good example: it commences with offences of rating hemp and affray which were leet business, continues with a pound break which was the business of the court baron, reverts to leet business with an offence of harbouring an inmate, but returns to court-baron business with a breach of common rights; the failures to maintain ditches, hedges and a gate which follow were nuisances presentable at the leet but amongst them is to be found a breach of a manorial pain; the verdict ends with yet more manorial offences: 1/139. For the differentiation between the business of the courts see the charges in the leet and in the court baron at Kitchin, *Jurisdictions*, pp. 16 et seq and pp. 109 et seq.

⁵⁹ At the Michaelmas 1619 court the Well jury presented three individuals 'and all the inhabitants in Well' for putting hemp in the water and the fine of 2s.6d was levied on the whole village; at the same court the same jury twice amerced 'all who ought' to repair named gates: 1/164. At the Easter 1616 leet the 'Tennants of Well' were presented by the Snape jury for breach of a pain: 3/57.

⁶⁰ For example, the Carthorpe verdict on 14 October 1629 includes seventeen offences by individuals from Exelby committed at Exelby.

⁶¹ 4.10.1626 (between Carthorpe verdict and pleas).

jury at Well reported sixty offences at the Michaelmas 1617 court but they reported only five at Michaelmas 1620. At Wath and Carthorpe the numbers included varied between one and twenty and five and thirty-two respectively. The longer presentments were usually in part the result of considerable numbers being reported for the same offence: forty-seven of the 101 offenders in the longest Snape presentment had taken wood and forty of the sixty included in Well's fullest presentment had rated hemp.¹²

The offences presented are given in Table 13.¹³ The table is divided into public order and statutory offences, agricultural and manorial offences, and offences related to the court itself. The divisions are arbitrary but they suffice to make comparisons between the villages.¹⁴ The offences of taking wood, hedgebreaking and taking acorns could be described as theft but generally they seem not to have been treated as such by the courts

¹² 1/105, 1/147, 1/168, 3/43, 31.3.1630, 14.4.1629, 28.3.1627, 16.4.1628 and 9.10.1632.

¹³ The figures include offences not included in presentments because they occurred at court. The Snape and Well figures include a few offences presented at courts baron: 1/155 (25.6.1618), 1/172, 3/55, 3/56, 3/67 and 3/86. Five minor offences presented by the Snape and Well juries jointly on 6 April 1618 have been allocated to the villages where the culprits resided: 1/153. At Wath and Carthorpe pains were laid ordering the removal of inmates and ameracements were imposed only on failure to comply: the figures include these pains to avoid giving a misleading picture. Pains have been ignored otherwise.

¹⁴ It is emphasized that the divisions do not relate to the split between leet and court baron jurisdiction. For example, failures to maintain hedges and ditches were nuisances presented at the leet and rescue and pound breach were presented at the court baron: *Kitchin, Jurisdictions*, pp. 16 *et seq* and pp. 109 *et seq*. Knafla used different categories when presenting the cases heard at thirty-seven local courts in Kent about 1602. Comparisons proved to be fraught with difficulties without detailed knowledge of how he allocated offences to his categories. The results in the following table are therefore not strictly comparable but the disparities are such that there would appear to have been a marked difference between the business of the Kent and North Riding courts.

Knafla's categories	Kent	Snape and Well	Carthorpe and Wath
Against property	4%	50%	33%
Against persons	22%	5%	5%
Against the peace	16%	8%	12%
Moral offences	26%	5%	1%
Nuisances	29%	31%	49%

Knafla, "Sin of all sorts swarmeth", pp. 57-8.

	Snape	Well	Wath	Carthorpe
Verdicts/presentments	19	19	22	22
Affray	54	10	13	10
Breach of the peace	-	-	3	-
Rescue/Pound breach	12	5	18	3
Scolding	17	4	2	3
Eavesdropping	-	1	-	-
Theft	3	2	-	1
Poaching	15	2	-	2
Unlawful games	43	14	2	2
Keeping inmates, etc.	19	15	6	-
Public health	3	13	-	-
Highways and cawseys	1	-	2	57
Ale offences	4	8	15	1
Rating hemp	2	94	-	22
Tanning skins	9	-	-	-
Failing to keep watch	-	1	-	-
Scabbed horses	1	3	-	-
Sub-totals:	183	172	61	101
	24.3%	34.3%	26.0%	35.8%
Taking wood	367	123	19	21
Hedgebreaking	6	13	13	47
Taking acorns, nuts, etc.	11	23	-	-
Shearing grass	-	8	-	-
Maintenance of hedges, etc.	23	69	13	3
Maintenance of ditches	53	12	16	60
Mis-use of common	8	21	8	7
Encroachment	4	3	1	7
Neglecting service	-	1	-	-
Failure to grind at mill	2	-	30	13
Unringed swine	-	8	48	1
Miscellaneous manorial	52	41	17	12
Sub-totals:	526	322	165	171
	69.9%	64.3%	70.2%	60.6%
Disclosing jury secrets	1	1	-	1
Deleting pain	3	-	-	-
Refusing office of constable	-	-	-	1
Officers' neglect	6	5	-	2
Leaving court	-	1	-	3
Profane words in court	-	-	1	-
Preventing scold being put on cucking stool	-	-	-	1
Failing to produce book	-	-	4	-
Default	34	-	4	2
Sub-totals:	44	7	9	10
	5.8%	1.4%	3.8%	3.5%
Totals:	753	501	235	282

Table 13. Offences presented by the juries of Snape and Well 1611-21 and Wath and Carthorpe 1625-35.

and they have therefore been included in the second group. The six offences treated as theft and placed in the first group were clearly different in character and sometimes there is some indication of this in the record. At Snape Christopher Whorlton took a door 'illegally'; John Place took sheaves of Thomas Thomson's oats 'without his privitie'; and after John Clapham was fined for 'tylshinge of haye' the verdict was endorsed in the margin '* Petie larcenie'.⁶⁵ At Well Helena Greene was fined for 'stealing of corne' and when Francis Smith was fined for 'bereinge of barley shaves' it was said to have been 'in the night'.⁶⁶ That there was little difference between the offences of theft and taking wood is confirmed by the case of John Tanfield of Wath who was fined for carrying off the lord's wood: at the same court Michael Presse was fined for receiving the wood and also for giving hospitality to Tanfield, 'a common thier'.⁶⁷ Most of the wood taken was 'firewood' or 'twigs', sometimes said to be 'blowen' (windblown), but it also included whole trees.⁶⁸ Those presented may well have felt they had a right to gather what they were accused of pilfering, the offences being perceived differently by the offenders and those enforcing the law.⁶⁹

In most cases the numbers of offences presented are commensurate with the sizes of the villages and in some of the others there were no doubt local reasons for disparities in the figures: the parks at Snape perhaps attracted poachers, the tanners seem to have worked in Snape and rating hemp seems to have been confined to only two of the four villages. The discrepancies in other cases are less easily explained. Ways must have been of some importance in all four villages yet they feature disproportionately in the Carthorpe verdicts. The pastures at Carthorpe were once marshes and this may explain why causeys featured so often in the

⁶⁵ 3/35, 3/57 and 3/73.

⁶⁶ 3/34.

⁶⁷ 6.5.1633 (West Tanfield, Binsay and Nosterfield verdict).

⁶⁸ For example, the Snape jury presented thirteen men in 1613 who 'in forceable maner ... did fell and cutt downe fyve okes beinge timber tres and one thorne tre without any tytle of right to our knowledg': 3/43.

⁶⁹ See R.W. Malcolmson, *Life and Labour in England 1700-1780* (London, 1981), p. 54; J.A. Sharpe, *Crime in Early Modern England 1550-1750* (London, 1984), pp. 122-4.

village presentments: causeys were single or double lines of flagstones laid to tackle the problem of worn and sunken surfaces which were not needed where the ground was firm but were needed in soggy areas.⁷⁰

Public health appears to have caused more concern at Snape and Well. Offences included 'washinge of Cloose within thee yeards [three yards] of the Towne becke' against a pain, 'mysusinge of the towne Becke with chamberpots' and throwing the bodies of dead animals into the town street.⁷¹ There were also problems with the tanners polluting the beck at Snape and tanning skins contrary to the statute. The failure of escalating penalties over several years to resolve the matter once again illustrates the ineffectiveness of the court leet when faced with persistent offenders. At the Easter 1617 court William Horner and John Williamson were fined twelve pence each 'for Tanning of horseskinnes' and at the Michaelmas court that year they were fined 3s.4d each for the same offence. The penalty was increased again the following Easter when Williamson alone was fined 4s.6d but two years later at Easter 1620 the original fine of twelve pence was imposed on both of them for 'Tannynge of one horse skynges' against the statute. Williamson was fined ten shillings for this offence that Michaelmas and he was also fined 3s.4d 'for corruptinge of ye Towne becke with Corruptyon of his skynges'. Six months later he was back in court for corrupting the beck 'Wyth fylth of his tan pytes' when he was fined 6s.8d and the jury laid a pain 'That the Tanners shall not corrupt or pollute the Town Becke with any filthie water that they caste out of their Pitts, or by any other corrupt, filthie or uncleanlie things belonginge to their trade'.⁷²

⁷⁰ Rev. W.C. Lukis, 'On Some Anglo-Saxon Graves on Howe Hill, near Carthorpe, in the Parish of Burneston, North Riding of Yorkshire', *Yorkshire Archaeological and Topographical Journal*, 1 (1870), p. 175; D. Hey, *Packmen, Carriers and Packhorse Roads* (Leicester, 1980), pp. 64-71. The Times of 19 February 1993 included a photograph over the caption 'A Helicopter lowers crates containing flagstones to create a new track across the moors above Haworth, West Yorkshire, where 25,000 walkers a year have turned parts of the Bronte Way into a quagmire'.

⁷¹ 1/125, 3/43 and 3/52.

⁷² 1/144, 1/147, 1/153, 1/167, 1/170, 1/174, 3/77, 3/82, 3/83 and 3/87.

Affrays, scolding, unlawful games and inmates also appear to have been pursued more vigorously at Snape and Well, and at Snape in particular, than they were in the other villages ten years later. At Snape and Well women were fined for scolding whereas at West Tanfield they were more formally declared common scolds. At the Easter 1633 leet William Bulmer was amerced 3s.4d 'because he did not permit Cecilia Knowles to be put on the cuckingstoole (she having been presented for common scold)'. She had been presented at the previous leet but no penalty had been entered and it would seem that the use of the cucking stool was taken for granted.⁷³ Knowles was presented again at the same court as Bulmer and if she was ducked it was perhaps in warmer water than the winter water she may have been destined to endure originally.⁷⁴ Another noteworthy case is that of Thomas Bridgewater of Well who in 1617 was fined 'for watching as an Evisdropper] under his neighbors windows' and who the following year was fined 'for not watchinge in his turne'.⁷⁵

There are fewer disparities between the villages amongst the agricultural and manorial offences but they include taking wood which appears to have obsessed the Snape and Well juries and troubled the jurors of Wath and Carthorpe little. More were reported at Snape but the villagers of Well featured regularly in the Snape presentments, indeed the inhabitants of West Tanfield manor also gathered firewood from the Snape and Well woods.⁷⁶ Marjorie McIntosh has suggested that in the Tudor period in Essex a higher

⁷³ The use of the cucking stool at Carthorpe would not have come to notice had Bulmer not interfered. For the rarity of evidence of cucking stools in rural areas see D.E. Underdown, 'The Taming of the Scold: the Enforcement of Patriarchal Authority in Early Modern England', in A. Fletcher and J. Stevenson (eds), *Order and Disorder in Early Modern England* (Cambridge, 1985), pp. 123-4, and J.A. Sharpe, *Judicial Punishment in England* (London, 1990), pp. 19-20. For an order to see a scold was ducked at Middleton Quernhow in Wath parish in 1609/10 see Atkinson, *Quarter Sessions Records*, 1, p. 180.

⁷⁴ See J.W. Spargo, *Juridical Folklore in England Illustrated by the Cucking-Stool* (Durham, North Carolina, 1944), in particular p. 22, footnote 34, for ducking not being imposed in winter.

⁷⁵ 1/144 and 3/70.

⁷⁶ Most of the wood was taken from Langwith, Canswick Park and Low Park. At the Michaelmas 1613 court four Burneston men, nine men and women from Carthorpe and seven men and women from Kirklington were amerced for taking wood from Langwith: 3/43.

population and hence a growing proportion of poor persons caused a number of problems including difficulties with sanitation and a scarcity of wood. She describes how in many communities the court leet encountered the problems first and how after an initial period of anxiety and rigorous supervision a more relaxed attitude was adopted a generation later. The appearance in the Snape and Well verdicts of public health cases and so many punishments for taking wood could therefore reflect an increase in the population: Figure 1 shows that the population of Well parish may well have increased markedly before the second decade of the seventeenth century. The phenomenon experienced in Essex and noted by Marjorie McIntosh may have occurred in Snape and Well but a generation or two later. Population pressure might also explain the vigorous pursuit there of affrays, scolding, unlawful games and inmates.⁷⁷

Whereas failure to grind corn at the lord's mill seems not to have been a problem at Snape and Well it was at Wath a decade later. At the Easter 1627 court eleven Wath villagers were presented for this offence by the West Tanfield jury and were amerced 3s.4d. The miller was amerced 6s.8d for taking excessive multure in that he used a heaped dish when it should have been unheaped. The following May Roger Farmery, a Wath tenant, was sued by the lord for breach of contract for failing to grind his corn at the mill. It is not clear why Farmery, who was not among the villagers amerced six weeks earlier, was singled out and unfortunately there is no plea or result in the record. Two years later the Wath jury reported seventeen villagers, including eleven of their own number, for failure to grind at the mill and they were each amerced two pence, much less than the villagers who had appeared in the other village's verdict. The reduction was no doubt not unconnected with the fact that three of the four affeerors who fixed the ameracements were

⁷⁷ Marjorie McIntosh, 'Social Change and Tudor Manorial Leets', in J.A.Guy and H.G.Beale (eds), *Law and Social Change in British History: Papers presented to the Bristol Legal History Conference, 14-17 July 1981*, pp. 73-85. Cf. V.King, 'How High is High? Disposing of Dung in Seventeenth-Century Prescott', *Sixteenth Century Journal*, 23 (1992), pp. 453-4: King shows that in urban Prescott, Lancashire, an increase in public health presentments after 1660 was not the result of population pressure but of a less tolerant attitude.

themselves amerced. Farmery was a juror and affeeror at that court. The miller was amerced 3s.4d for taking excessive multure and this time the jury laid a pain 'that the milner shall keepe a lawfull multer dish as haith beene used in former time among my Lords tenants'. All seems to have been well for six years but at the Easter 1635 court two Wath tenants were amerced ten shillings each when they appeared in the West Tanfield verdict for failing to use the lord's mill and the West Tanfield jury laid a pain that 'all the Lords Tenants in Wathe Carethropp and Thornborough shall from time to time grinde all their corne and malte which they shall use in their houses att the Lords Mill of West Tanfield'. There were clearly problems with the miller and the Wath villagers would no doubt be displeased with the ameracements imposed by the West Tanfield jury just as the lord would not be happy about the derisory penalties they imposed on themselves. No doubt we see here what might perhaps be described as resistance to vestiges of feudalism, resistance not peculiar to the Vale of Mowbray.⁷⁸ Nor was resistance confined to the use of the lord's mill. At the Easter 1619 court the Well jury presented Thomas Hutchinson for neglecting to perform the services belonging to his tenement. He was amerced sixpence and the jury went on to declare that he, two other named Well tenants and the other tenants of the lord's tenements owed labour for the lord in the works of his manor from time to time, with their implements and carts or with recompence if without.⁷⁹

The discrepancies in numbers presented for failing to scour ditches could be the result of the topography. We have already seen that the pastures at Carthorpe had been marshes. Many of the offences at Snape occurred in 'Le Myers', described by Horsfall as a 'tract of marshy land lying to the east of the village'.⁸⁰ There

⁷⁸ 28.3.1627, 5.5.1627, 14.4.1629 and 31.3.1635. For examples of resistance elsewhere see Martha J. Ellis, 'A Study in the Manorial History of Halifax Parish in the Sixteenth and Early-Seventeenth Centuries', *Yorkshire Archaeological Journal*, 40 (1962), pp. 427-9; King, 'Untapped Resources for Social Historians', p. 703; C.E.Searle, 'Custom, Class Conflict and Agrarian Capitalism: The Cumbrian Customary Economy in the Eighteenth Century', *Past and Present*, 110 (1986), p. 112.

⁷⁹ 1/161.

⁸⁰ 1/139 and 3/43. *Manor of Well and Snape*, pp. 3 and 14.

is nothing in the records to indicate why the Wath jury were so enthusiastic about presenting the owners of unringed swine. There appear to be no significant differences between the villages in the 'miscellaneous manorial' category which covers breaches of pains, ploughing up markstones, failing to maintain the pinfold, tenements in poor repair, straying animals and the like.

The offences in the third group show that the courts were prepared to assert themselves when jurors, officers and suitors kicked against the pricks.¹³¹ The penalties were sometimes comparatively heavy: John Cole of Snape was amerced twenty shillings for disclosing the secrets of the jury in 1611 and when Francis Iles and Christopher Brunton the constables of Carthorpe in 1625 were in the company of Christopher Smorthwaite and failed to apprehend him in accordance with a warrant directed to them by two justices they were amerced ten shillings each.¹³² But sometimes culprits appear to have been treated surprisingly leniently: when George Thomson of Well left the court early after being warned by the steward he was amerced only twelve pence and Thomas Duffield of Wath was amerced only twenty pence when he profaned the name of the lord in open court.¹³³ Bilawmen who had failed in part of their duties were amerced only sixpence each. However, when Thomas Hutchinson of Well neglected the office totally, 'not doinge his dewty at no tyme being a by law man', he was amerced 3s.4d.¹³⁴ Although the courts could punish for what had been done they could not force the offenders to do what they did not want to do. We have seen already that Thomas Jackson was punished repeatedly for failing to produce the survey book but it seems he probably never did so. When Robert Wilson of Carthorpe was elected constable and refused to be sworn in contempt of the court he was amerced ten shillings and the court ordained that he or his son should accept the office under a pain of five pounds. The pain was

¹³¹ The defaults in the verdicts do not tally with the default marks in the call lists and rolls. Often ameracements appear with default marks but do not appear in verdicts; sometimes they appear in verdicts and there is no call mark.

¹³² 1/105, 3/33 and 20.4.1625 (West Tanfield verdict).

¹³³ 1/164 and 10.4.1626 (pleas).

¹³⁴ 1/105, 1/147 (Well), 1/153 (Snape) and 3/34.

forfeited at the next court but neither he nor his son served as constable during the period covered by the court book.¹³⁵

The mean numbers of offences presented annually at Snape and Well were 79.3 and 52.7 respectively, or 40.6 and 39.8 respectively if offences of taking wood are discounted. At Wath and Carthorpe the annual means were 21.4 and 25.6 respectively. Newton and McIntosh analysed the business of a number of Elizabethan manors in Essex and found that in isolated rural communities the manorial court dealt with only one or two matters each year. Even in 'more complex' communities with forty to fifty households only four to five matters were presented. Only in larger semi-urban manors with some 165 households was there a 'substantial' volume of some twenty to twenty-five matters presented annually. It would seem the courts for the Vale of Mowbray villages were comparatively busy.¹³⁶ When analysing the work of a number of Lancashire manorial courts in the seventeenth century King used the numbers of offenders, and particularly the numbers of assaulters, presented annually as a means of differentiating between 'powerful' and 'weak' courts. The 'powerful' court of Prescott handled about 100 offences, including about twenty-eight assaults, annually from 1615 to 1660; the 'relatively weak' court of Rishton handled only about twelve offences each year including one assault in the whole period.¹³⁷ The combined mean number of offences at Snape and Well was 132.0 (80.4 without wood offences) but it included only 6.7 assaults and therefore using these measures the court at Snape was not as 'powerful' as the court at Prescott, the population of which was about the same as the parish of Well. But even if allowance is made for the population of Rishton being only some forty per cent of that in Well parish the Snape court was not as 'weak' as that at Rishton. The figures quoted by King for other courts appear to show that Prescott was very unusual and the

¹³⁵ 4.10.1626 and 28.3.1627.

¹³⁶ 'Leet Jurisdiction in Essex Manor Courts', pp. 3-14.

¹³⁷ 'Untapped Resources for Social Historians', p. 699; 'Early Stuart Courts Leet', p. 275.

court at Snape was not far removed from the other courts he studied.¹³⁶

These comparisons with Essex and Lancashire courts show that the Vale of Mowbray courts were quite busy and certainly not 'weak'. The Prescott court seems to have been unusually 'powerful', the Essex courts appear to have tended to be 'weak' and it is tempting to assume that lying between these extremes the courts at Snape and West Tanfield were perhaps typical of courts elsewhere. But what evidence there is shows that manorial courts varied considerably from place to place and from time to time: there was no such thing as a typical leet. We have seen that in early seventeenth-century Lancashire some 28% of the offences presented at Prescott were assaults yet at Rishton it seems the rate was less than 2%. The affray rates in the four Vale of Mowbray villages at about the same time varied from 2.0% at Well to 7.2% at Snape. Elsewhere in the North Riding at Coxwold and Marske the rates were 6.4% and 6.5% and the rates were less than 2% at both Weathersfield and Ingatestone, Essex. In the second half of the sixteenth century at Acomb near York the rate of affrays and bloodsheds was 15% and at Cannock and Rugeley, Staffordshire, it was 12% yet in the mid seventeenth century in the West Riding of Yorkshire the rate was as much as 52.6% at Otley and 58.5% in the manor of Halifax. At Halifax there was a marked difference between the town itself and its rural surrounds and there was also considerable variation over time. Presentments for taking wood and hedgebreaking also varied; the proportions presented for these offences at Snape and Well were 49.5% and 27.1% respectively yet at Carthorpe and Wath they were 24.1% and 13.6%. At Acomb a generation earlier the rate was 15.0% and presentment rates for other offences there also varied somewhat from those found to the

¹³⁷ A similar comparison could not be made with the West Tanfield court because the presentments from the other villages in the manor were not analysed. Treated separately Wath and Carthorpe, with a combined population about half that of Well parish and presenting annually some 47.0 offences including 2.1 assaults between them, seem to have been no less 'powerful' than Snape and Well.

north in the Vale of Mowbray.⁸⁹

The variations could have been the result of different levels of lawlessness but they might also have been the outcome of changes in prosecution practice. The effect of changes of steward has already been noted and juries had the freedom to choose who they would present.⁹⁰ Choice of venue could also have been an influence. The Rev. Atkinson pondered on why some offences appeared in the records of both manor courts and quarter sessions and concluded that it was 'impossible to give a categorical answer to this question, and even a probable solution can only be suggested with much diffidence'. Referring to the numbers of obsolete courts he suggested that 'with the death or desuetude of the local jurisdiction, the necessity of appealing to some such authority as the County Jurisdiction or its substitute would arise' and he concluded that this served, 'in part at least, to suggest an answer to the question'.⁹¹ He was right in part: practice varied from place to place and Terling, Essex, was one place where offences were taken to the justices in petty or quarter sessions in the absence of a manorial court.⁹² But he was also right to be diffident because it seems practice also varied at the same place from time to time: some offences were prosecuted at the quarter sessions notwithstanding the existence of an active court leet at which the same offences were presented almost concurrently. In 1611 the Snape and Well free tenant Christopher Bulmer was charged at the quarter sessions with 'not sending draughts and servants for mending the highwaies' yet at a

⁸⁹ Bruen, 'Leet Jurisdiction and Social Regulation', pp. 152-7; J. Samaha, *Law and Order in Historical Perspective: The Case of Elizabethan Essex* (London, 1974), p. 165; Sharp, *Crime in Early Modern England*, p. 51; Morris, 'Manor of Little Haywood', p. 55; Bennett, 'Enforcing the Law in Revolutionary England', pp. 73 and 84-6 (at Halifax presentments for assault rose steadily from some twelve in 1626 to 147 in 1635 before declining to sixty-four by 1641).

⁹⁰ King, 'Leet Jurors and the Search for Law and Order', pp. 313-8; McIntosh, *Autonomy and Community*, pp. 256-9.

⁹¹ *Quarter Sessions Records*, 7, pp. xxiii-xxiv.

⁹² Harvey, *Manorial Records*, p. 56; Wrightson and Levine, *Poverty and Piety*, pp. 112 *et seq.*

leet held at Snape in 1613 the Snape and Well free tenant 'mistress Elizabeth Danbie of thorpe' was amerced twenty shillings for 'not repairing the hye way in thorpe Laine'. In 1612 two inhabitants of Snape and of Well were charged at the quarter sessions with 'brewing ale to sell xc' yet at a leet held at Snape in 1615 four inhabitants of Snape were amerced for breaking the assize by selling ale against the statute.⁹³ There seems little to choose between these offenders and their offences and the reasons for choice of venue are not obvious. It has been suggested that if a community had a powerful magistrate living nearby the local constable might well take offenders before the justice rather than before the manor court and an energetic lord of the manor, especially if resident, might influence presentment juries; there is no evidence of a powerful magistrate at Snape and the lord had never resided in the manor.⁹⁴ But there is evidence of pressure on constables to make presentments to the quarter sessions: in 1610 the constables of Snape were charged at the quarter sessions 'for that they are so negligent they will present nothing' and five years later the constables of Carthorpe and Well were fined twenty shillings for failing to present recusants and alehousekeepers.⁹⁵ The choice of venue might have depended in part on some exacerbating circumstance or the status of the culprit or victim. Between 1612 and 1621 forty-three Snape men were amerced at the leet for bowling but when four residents in the manor appeared at the Richmond Quarter Sessions in 1607/8 for 'keeping plaie' in their houses it was specifically said to be 'in time of service on the Sabbath'.⁹⁶ Affrays were regularly presented at both courts leet

⁹³ Atkinson, *Quarter Sessions Records*, 1, pp. 165 and 231; 1/125; and 3/43. The concurrent jurisdiction in cases of highways, alehouses, vagabonds and game laws is noted at C.M. Fraser and K. Emsley (eds), *The Court Rolls for the Manor of Wakefield from October 1639 to September 1640*, (The Wakefield Court Roll Series of the Yorkshire Archaeological Society 1 1977), p. xxi. Also see: Harvey, *Manorial Records*, p. 56.

⁹⁴ McIntosh, 'Social Change and Tudor Manorial Leets', p. 78; Newton and McIntosh, 'Leet Jurisdiction in Essex Manor Courts', p. 4.

⁹⁵ Atkinson, *Quarter Sessions Records*, 1, p. 186; *ibid*, 2, p. 104.

⁹⁶ 1/119, 1/167, 3/37, 3/43 and 3/83; Atkinson, *Quarter Sessions Records*, 1, p. 109.

and no doubt Henry Stubbes, clerk, and his son Christopher, both of Wath, would have been presented there too had they chosen their victims more carefully. But in 1608 when they were accused of assault at the quarter sessions they were also said to have shown 'contempt ... of the two High Constables of Hallikeld who interposed "*durante affraia*"' and Christopher had assaulted one of them. Two years later he was involved in another affray and accused of 'abusing Jas Harrison, Constable of Wath, reviling him, and pulling away a great part of his beard, when commanding the said Christopher to keep the peace when he made the affray aforesaid'.⁹⁷ It would seem the villagers in their capacity as constables and presentment jurors were under pressure to send at least some offences to the higher court and they may have chosen to send the aggravated cases there.

The few surviving Snape and Well pains were laid against individuals, groups and the whole community.⁹⁸ Tenants were ordered to make up fences, gates and the highway. The tanners were forbidden to corrupt the beck. The expressions 'everyeman', 'every one' and 'all men' linked with land showed some pains were directed against occupiers. It is assumed the 'payne Layd that everye one mayke up ther forefrunts and ther Backefrunts [*sic*]' applied to the whole community.⁹⁹ One of the Snape pains was laid against 'the Nyghebours of Well'. Another Snape pain applied to the occupiers of the North field 'both them that ys inclosed and them that ys not inclosed' which confirms the evidence throughout the rolls that some parts of the manor were enclosed but there were also open fields. In

⁹⁷ Atkinson, *Quarter Sessions Records*, 1, pp. 126-7 and 210. Wath was in the wapontake of Hallikeld.

⁹⁸ 3/37 and 3/89.

⁹⁹ A 'front' was the site on which a house stood and assessment could be by 'buildd fronte' and 'unbuildd fronte': Atkinson, *Quarter Sessions Records*, 5, p. 196; *ibid*, 6, p. 88. A Well hospital lease of 1716 refers to a 'frontstead ... where ... [a] house formerly stood now demolished': 2/87. John Birkdell of Well was presented in 1621 for not repairing his hedges 'called in English his forefronts and backfronts': 1/174. The common references in both manors to forefronts (*frontispicia*) and backfronts were therefore to the fences or hedges at the front and the back of the plot on which a house stood or had stood. It follows that for the North Riding at least Trice Martin's translation of '*frontispicium*' as a gable end is most misleading: C. Trice Martin, *The Record Interpreter* (London, 1892), Second ed. (London, 1910), p. 246.

1621 Edward Thomson was amerced 6s.8d 'for Raissing out a paine agreed upon without consent of his fellowe jurors' and two of those fellow jurors were amerced 3s.4d each for agreeing to the erasure.¹⁰⁰ The more numerous surviving pains laid at the West Tanfield court were much the same and there too they laid pains against other villages. The pain already cited requiring all tenants and inhabitants of the manor to sue in the lord's court shows they occasionally laid pains against all the villages in the manor. They even laid pains against persons or villages beyond the manor boundary.¹⁰¹

The impression gained from examination of the civil cases heard in the manor and of the verdicts and presentments at the leets is of two thriving courts. They provided a useful local service for the resolution of disputes between the villagers, their neighbours and those further afield with whom they did business. They maintained public order and they supervised the management of the agricultural operations so important to these village communities. We now turn to examine the men who provided this service and supervision through their involvement in the administration of the manor as jurors, affeerors and officers.

The Presentment Jurors, Foremen and Affeerors

It was not unknown for small groups of men in medieval manors to form what has been described as a 'manorial bureaucracy': juries of presentment at the courts held each half-year were made up on successive occasions of very much the same men.¹⁰² The same phenomenon has also been found in early modern manors where

¹⁰⁰ 1/174 and 3/87.

¹⁰¹ The Easter 1630 pains laid by the Wath jury required the constable and overseer of the highways for Norton Lordship to 'cause the wathe becke brigge neare Wathe and alsoe Tunstall brigge and all the watersuers discendinge and runninge betwene Wathe lo^{PP} and Norton lo^{PP} be sufficiently cutt, scowred made and clenched in the right and antient borders before midsomer'.

¹⁰² Bennett, *Life on the English Manor*, p. 212.

the same jurors arranged their own self-perpetuation.¹⁰³ Almost all the presentment jurors at Snape were selected from the tenant body and both the non-tenant jurors were tenants-to-be, one a resiant who served once and another who served three times before being listed as a resiant.¹⁰⁴ But they were not drawn from an exclusive group of tenants: Table 14 shows that a few tenants did indeed serve on most of the juries while they were listed in the court rolls but many more served less frequently. However, there must have been some form of selection for thirty-seven (47.4%) of the seventy-eight male tenants listed never served on a jury in eleven years.

A presentment at the court baron held in February 1615/16 signed 'Robert Mountayne *primus Jur*' is the only direct evidence of foremen at Snape. But indirect evidence shows that only four other men headed juries during our period: if service as a

¹⁰³ King, 'Untapped Resources for Social Historians', p. 700; *idem*, 'Leet Jurors and the Search for Law and Order', p. 311; McIntosh, *Autonomy and Community*, p. 203; Bennett, 'Enforcing the Law in Revolutionary England', pp. 82-3.

¹⁰⁴ The numbers in the Vale of Mowbray juries for which records survive were:

Jurors	Snape (1611-21)	Well	Wath	Carthorpe (1625-35)
12	1 (but torn)	1	3	5
13	1	4	17	15
14	4	4	2	1
15	13	11	-	1
16	3	-	-	-
19		1	-	-

(The figures include jurors named in presentments but omitted from the court roll, e.g. the court roll for Michaelmas 1618 lists fifteen jurors but four more are named in the presentment.) The 'twelve men' at Southampton was never less than thirteen and rarely less than fifteen: Hearnshaw, *Leet Jurisdiction*, p. 169. Juries of twenty-four have been reported elsewhere: A.F.C. Baber (ed.), *The Court Rolls of the Manor of Bromsgrove and King's Norton 1494-1504* (Kineton, Warwickshire, 1963), p. 18; Leconfield, *Petworth Manor*, p. 8; Dawson, *History of Lay Judges*, p. 217; McIntosh, *Community Transformed*, p. 384. At Havering, Essex, juries consisted of as many as thirty-seven men: McIntosh, *Autonomy and Community*, p. 249. The verdict of a jury of less than twelve would have been legal but traversable: Maitland, *Select Pleas*, p. xxviii; Kitchin, *Jurisdictions*, pp. 13, 90 and 225. King has questioned whether breaches of the rule that verdicts of juries of at least twelve men were not traversable were exceptional: King, 'Leet Jurors and the Search for Law and Order', p. 321. In 1674 it was decided that a leet jury must comprise at least twelve men: Hearnshaw, *Leet Jurisdiction*, Appendix 3 (Cutler v Creswick).

	Listed as Tenant	Juror (22 juries)	%	Foreman	Affeeror
George Lambert	22	20	90.9		
Edward Thomson	22	20	90.9	5	12
Francis Dinsdale	22	19	86.4		
Edward Place	22	18	81.8		2
William Pratt	22	18	81.8	4	6
John Thomson	22	18	81.8		3
Richd Stoute sen *	10	8	80.0		1
William Tyreman	10	8	80.0		7
Robert Thomson	14	11	78.6		
Thomas Thomson	8	6 + 1	77.8		
Richard Jaques	12	9	75.0		2
William Reynard	22	15	68.2		
Henry Saville	14	9	64.3		2
Richard Carleton	7	3 + 3	60.0		
John Cole	22	13	59.1		3
Mathew Reynard	22	13	59.1		
Robert Mountain	22	13	59.1	1	3
Thomas Yeates	19	11	57.9		1
Thomas Gatenble	22	12	54.5		
William Horner	13	6	46.2		
William Hutchinson	22	10	45.5		
George Dobbie	22	9	40.9	3	5
George Fleeminge	22	7	31.8	5	5
Richard Toes	22	7	31.8		
Marmaduke Mason	22	6	27.3		1
Edward Holtble	4	1	25.0		
Henry Silson	16	4	25.0		1
Thomas Saville	8	2	25.0		
James Tennant	5	1	20.0		1
Henry Carleton	5	1	20.0		
John Harrison	10	2	20.0		1
John Reynardson	22	4	18.2		
George Cole	22	3	13.6		
Mathew Smith	22	3	13.6		1
John Sicklinge	9	1	11.1		
Thomas Stoute	10 or 12#	1	10.0 or 8.3		
Brian Reynard	22	2	9.1		1
Simon Gill	22	2	9.1		
Richd Stoute jun *	22	2	9.1		
Robert Rookbie	12	1	8.3		
Chris. Thomson	22	1	4.5		

Additions to the 'Juror' column give the numbers of times tenants-to-be served when unlisted or listed as resiants and to avoid distortion the percentages have been calculated as if they had been listed.

* All references to Richard Stoute in the jury lists have been treated as senior rather than junior while Richard senior was listed.
 # The number of listings for Thomas Stoute is not clear because briefly there were two Stoutes of that name who overlapped.

Table 14. Snape presentment jurors, foremen and affeerors 1611-21.

	1611	1612	1613	1614	1615	1616	1617	1618	1619	1620	1621							
	M	E	M	E	M	M	* E	M	E	M	E	M	E					
Pratt	F	F	F	m	m	m	?	m	m	m	m	F	-	m	-	-	m	
Thomson	-	m	-	F	m	m	?	m	m	F	m	m	m	F	m	m	F	F
Dobbie	-	-	-	-	F	m	?	-	-	-	-	m	-	-	F	F	-	-
Mountain	m	m	m	m	-	m	F	m	-	m	-	m	-	-	-	m	m	m
Fleeminge	-	-	-	-	-	F	?	F	F	-	F	F	-	-	-	-	m	-

F = Foreman
 m = Member
 - = Not a member

M = Michaelmas
 E = Easter
 * = February 1615/16

Table 15. Snape jury foremen 1611-21.

juryman was not exclusive then service as a foreman was.¹⁰⁵ Table 15 reveals that the other four served as foremen more than once but Mountain was not the foreman of a leet jury of which we have a record. George Fleeminge was perhaps the more dominant because he took charge of five of the six juries of which he was a member and for which we have a foreman: these juries included the other four twice and three of the other four once. Each of George Dobbie's three juries included two of the other four and he served as a member only under Fleeminge. There seems to have been nothing to choose between William Pratt and Edward Thomson in this regard and Mountain appears to have deferred to the other four foremen.

The steward could not 'sett amercyament withoute affermente of the peres upon their othe, ... the same to be afferred

¹⁰⁵ 3/55. Thirteen verdicts begin with a statement that they were made by a named individual 'and his comrades': in six of these cases the separate presentments are extant and the named individual signed first. In three other cases where we have no verdict it seems not unreasonable to assume that the man who signed the presentment first was the foreman, not least because the men concerned appear as foremen in later verdicts. In fourteen lists of affeerors the first-named was the man assumed above to have been foreman at the time and therefore the man at the head of the fifteenth list was no doubt a foreman too.

by the ooth of twoe of the tenants or Peres'.¹⁰⁶ Four affeerors were appointed at Snape and Well: this was not exceptional but the use of two affeerors was more common. The affeerors were always members of the jury.¹⁰⁷ The foremen appear to have been affeerors *ex officio* and served as such more often than most of their neighbours. Of the fourteen other affeerors only William Tyreman served as often and the remainder served not more than three times each, eight affeering only once. Table 14 shows that the affeerors tended to be chosen from those who attended most often but some regular jurors never served as affeerors and some infrequent jurors served once each.

The origins of affeerment are to be found in *Magna Carta* which required amercements in royal courts to be fixed 'through the oaths of honest men of the neighbourhood'. The court leet was a royal court and Giles Jacob advised stewards that the bailiif should choose yearly two 'honest and sufficient' men who should be 'two of the substantialist and most knowing Tenants of the Manor'.¹⁰⁸ George Fleeminge was 'of the neighbourhood': more than once he is recorded as being 'of Snape', and once more accurately 'of Gebdykes'.¹⁰⁹ He was probably 'sufficient' and one of the 'substantialist': the records show he occupied not a little land and he also acted as an essoin for Christopher Wandesforde Esquire of Kirklington Hall.¹¹⁰

¹⁰⁶ N.J.Hone (ed.), *A Manor and Court Baron*, (Manorial Society Publication 3 1909), p. 21.

¹⁰⁷ Hearnshaw, *Leet Jurisdiction*, p. 135; Webbs, *Manor and the Borough*, p. 25. For examples of four affeerors elsewhere see W.Grainge, *The Vale of Mowbray: A Historical and Topographical Account of Thirsk and its Neighbourhood* (London, 1859), p. 91; Mary Bateson, 'The English and the Latin Versions of a Peterborough Court Leet 1461', *English Historical Review*, 19 (1904), p. 527 ('We present ther schall be iiii men chosyn to be the Ferers of the cowrth, ii chosyn be the baly and ii be the town'); Harrison, 'Social and Economic History of Cannock and Rugeley', p. 135; McIntosh, *Community Transformed*, p. 305, footnote 26 (at Havering, a manor of ancient demesne, two affeerors were chosen for the crown by the steward and two by the homagemen).

¹⁰⁸ Dawson, *History of Lay Judges*, p. 260; Jacob, *The Complete Court-Keeper*, pp. 26 and 40.

¹⁰⁹ 1/108, 1/109 (pleas) and 1/112 (pleas); Atkinson, *Quarter Sessions Records*, 1, p. 109. Gebdykes, also known as Medalls, lies between Well and Masham: Horsfall, *Manor of Well and Snape*, p. 158.

¹¹⁰ 1/112 (pleas), 1/125 (call list), 1/139 (verdict), 1/155 (4.6.1618 and 25.6.1618), 1/164 (verdict), 1/170 (verdict and pleas), 1/174 (pains), 1/178 (30.6.1621) and 3/43.

But his honesty must be in doubt. He was sued in the court baron no less than fifty-four times in eleven years and although we have few results perhaps the very nature of some of the cases tells us something about him: his alleged debts included failure to pay his rent twice, his employees six times, for agistment twice, for wood twice, for cloth twice, for a horse, for meat, for a wheel, for malt, and for 'Onyon sedes', and he was said to have failed to repay money lent twice. At different times detinue of one bull, one sheep and forty lambs was also alleged.¹¹¹ More telling are his appearances in the verdicts and presentments. In only eleven years he committed affrays on no less than seven people including one woman, made rescues twice, broke the pinfold once, kept undersettles, took wood three times, failed to scour ditches eight times, failed to repair his fences twice, failed to mend his part of the common field twice and the pinfold once, and he kept a scabbed horse on the common.¹¹² He was also presented at the quarter sessions at least once, for 'keeping plaie in his house in time of service on the Sabbath'.¹¹³ Fleeminge seems to have shown scant regard for his neighbours yet we have seen he served as a juror seven times and as foreman and affeeror five times. As foreman of the jury at the Michaelmas 1616 court he was first to sign the presentment which included his own affray and he was also foreman of the Easter 1618 jury when he was presented for another affray. Despite his record he seems to have been held in high regard for he also acted as an arbiter three times, as an administrator and executor, and as a pledge.¹¹⁴ Fleeminge was a good example of the type 'probably common to most seventeenth-century English villages, the well-to-do nuisance more or less permanently at odds with the parish authorities' yet in his case he was nevertheless active in the administration of the manor.¹¹⁵ The other four regular

¹¹¹ 1/110, 1/112, 1/120, 1/121, 1/132, 1/150 (30.10.1617), 1/152 (5.3.1617/18), 1/155 (6.5.1618), 1/157, 1/164, 1/165, 1/170, 1/178 (30.6.1621).

¹¹² 1/105, 1/113, 1/115, 1/139, 1/153-4, 1/157, 1/164, 1/167, 1/170, 1/174 and 3/43.

¹¹³ Atkinson, *Quarter Sessions Records*, 1, p. 109.

¹¹⁴ 1/108 (pleas), 1/112 (pleas), 1/113 (pleas), 1/147 (*Toes v Mason and Sicklinge*), 1/155 (6.5.1618 *Fridgley v Sicklinge*) and 1/168 (11.5.1620 *Braithwaite v Dobbie and Clapham*).

¹¹⁵ Sharpe, 'Crime and Delinquency in an Essex Parish', p. 96.

affeerors were not of the same ilk: their appearances in the verdicts were for occasional lesser offences and manorial transgressions.

Table 16 reveals that the selection of jurors was much the same at Well. A few tenants served on all or most of the juries while they were listed and others served much less often. But service at Well was slightly more exclusive than at Snape: only about a third (36.1%) of the male tenants there served as jurors at some time whereas about half (52.6%) of their neighbours at Snape acted as jurymen; and whereas each of the Snape tenants served on a mean of 7.9 juries the Well tenants served on a mean of 8.7 juries apiece. Concentration of service in fewer hands might have been expected in the smaller village of Well but many tenants were ignored. The table shows that eight men served thirty-one times between them when they were not listed as tenants but this is misleading because five served when the tenant lists were suspect: they were added to the lists by the new steward and were therefore probably tenant jurors.¹¹⁶ One of the remaining non-tenant jurymen was a tenant-to-be and one was an ex-tenant.¹¹⁷ The remaining non-tenant juror, served only once and

¹¹⁶ John Birkdale, Lancelot Brown, Thomas Hutchinson, William Reynard and Leonard Hunter senior who was listed but served as a jurymen during a four-court break in his listing before being reinstated by the new steward.

¹¹⁷ Richard Pibus served twice as a juror and once as an affeeror before he took over the tenancy vacant following the death of John Pibus. Richard, who appears to have been baptized in the parish, was a married man with a family yet he was not listed as a resident. The parish registers throw no light on his relationship with John and whether he could have been a member of his household. Francis Pibus was a resident who continued to serve as a juror after he ceased to be listed as a tenant, fourteen times in all: W1/f.39v, W1/f.23, W1/f.5, W1/f.6 and W1/f.7. Lancelot Brown served once more after he ceased to be listed as a tenant. He was perhaps resident with Thomas Brown who succeeded to the tenancy from the Easter 1616 court six weeks before his marriage. Thomas served regularly as a juror and twice as an affeeror, his first-born was baptized Lancelot and he was no doubt Lancelot's son: W1/f.25 and W1/f.8v. Pibus and Brown may have been in the same position as Francis Bennion, a very regular juror at Marske in the North Riding who is revealed by a civil case to have had little land because he had released it to his son: Bruen, 'Leet Jurisdiction and Social Regulation', p. 109. Such releases were common at Cannock, Staffordshire: Harrison, 'Social and Economic History of Cannock and Rugeley', p. 50. And it was not rare for a father to retire to live with his son: Spufford, (Continued ...

	Listed as Tenant	Juror (21 juries)	%	Foreman	Affeeror
Thomas Allanson	16	16	100.0	2	8
Lancelot Brown	4	4 + 6	100.0	3	3
Francis Pibus	5	5 + 14	100.0		1
John Smorthwaite	20	19	95.0		4
John Braithwaite	16	15	93.8		1
Roger Hodgson	21	18	85.7	4	8
Thomas Brown	12	10	83.3		2
Thomas Lumley	21	17	81.0	1	6
Leonard Hunter sen	17	13 + 3	80.0		
William Wilson	21	15	71.4		3
Thomas Harland	17	11	64.7		2
Christopher Benson	21	13	61.9		4
Thomas Johnson	21	13	61.9		
Richard Pibus	16	9 + 2	61.1		2
Edward Robinson	18	11	61.1		
Thomas Thomson	5	3	60.0		
Oswald Benson	21	11	52.4	4	6
William Reynard	17	8 + 1	50.0		1
John Hauxwell	21	10	47.6		3
John Crosley	18	8	44.4		
Edward Harland	21	7	33.3		1
Richard Lund	16	5	31.3		
John Allanson	11	3	27.3		1
John Birkdale	19	4 + 1	25.0		
Leonard Hunter jun	12	3	25.0		
Henry Wilson	20	5	25.0		
John Scurrey sen	21	5	23.8		
John Mason	17	4	23.5		
Thomas Hutchinson	16	1 + 3	21.1		
John Reynardson	16	2	12.5		
Richard Kilburne	13	1	7.7		
Francis Mounon	14	1	7.1		
Thomas Cowper	16	1	6.3		
Thomas Robinson	16	1	6.3		
George Bucke	19	1	5.3		

John Johnson Never listed 1

Additions to the 'Juror' column give the numbers of times tenants-to-be and ex-tenants served when unlisted or listed as resiants and to avoid distortion the percentages have been calculated as if they had been listed.

Table 16. Well presentment jurors, foremen and affeerors 1611-25.

	M1611	1614	E1615	M1616	1617	1618	1619	1620	E1621
Hodgson	F	m m	-	m	F F	-	m m m	m m	F
Brown	-	F F	F	/ No longer listed					
Lumley	m	- -	m	F	m -	m m m	m m m	-	m
Allanson	-	m m	m	m	m m	F F	m m m	m	m
Benson	m	m m	-	-	- -	-	m F F	F F	-

F = Foreman
 m = Member
 - = Not a member

M = Michaelmas
 E = Easter

Table 17. Well jury foremen 1611-21.

did not appear otherwise in the manorial records or parish registers at that time. It was acceptable in law for strangers to sit on leet juries but he may have had connections with the village not apparent in the records.¹¹⁷

The indirect evidence already noted gives us fourteen Well jury foremen and again we find that this responsibility was given to only a few. Four foremen attended all or most of the leets while they were listed but Oswald Benson attended only half the courts. Table 17 reveals that Lancelot Brown was dominant while he was listed as a tenant and Oswald Benson was dominant a few years later: they each took charge of juries containing more than one of the others. The other three seem to have been of equal status. Again we find the correlation between foremen and affeering: the foreman

¹¹⁷ Continued ...) *Contrasting Communities*, p. 112; M.D.Riley, 'Families and Their Property in Early Modern England: A Study of Four Communities on the Yorkshire Ouse, 1660-1760', (unpublished D.Phil. thesis, University of York, 1990), p. 59. But such retirements are said to have been rare at Havering, Essex: McIntosh, *Community Transformed*, p. 105.

¹¹⁸ John Johnson: 1/144. The use of strangers was permitted if there were insufficient tenants or residents present which seems unlikely: Kitchin, *Jurisdictions*, pp. 13 and 90; Jacob, *Complete Court-Keeper*, pp. 4, 32 and 453; Scroggs, *Practice of Courts-Leet*, pp. 3 and 5. A John Johnson married at Well in 1595: W1/f.23v.

was always one of the affeerors at Well. The proportion of jurors who served at least once as an affeeror was about the same in both villages. The tendency to choose from those who attended most often is obvious but again we find that some regular jurors never served as affeerors. The Well foremen were comparatively well-behaved.

Table 18, which deals with the Wath jurors, tells a different story. The juries of from twelve to fourteen men were chosen from a select group of only nineteen tenants: six served on every jury while they were listed and most of the remainder missed serving at less than a handful of courts. The other fourteen tenants served only once or twice each or not at all. The Wath tenants served on a mean 10.9 juries each and the mean for the select group was 14.5 juries, almost double the mean at Snape (7.9). Wath was even smaller than Well and again we might have expected jury service to be concentrated in fewer hands but a fifth of the tenants never served as jurors and another fifth served only once or twice (21.2%).

Existing jurors seem to have been positive about whom they would accept: William Walbron became a regular jurymen and affeeror as soon as he took over on the death of his father who had also been a regular member of juries; George Harrison, who also served as soon as he was listed, would be known to the jurors for we shall see there is reason to believe he resided in Wath some three years before he was listed as a tenant. There is evidence in some cases that perhaps they were just as positive about who they would not accept. We have seen how Thomas Jackson senior ceased to serve on juries after the problems with the Ellergutter and the survey book. It is perhaps surprising that Lancelot Carr served even once: he had been presented at the quarter sessions three times for harbouring rogues and vagrants, once because his wife had beaten the constable and only four years before the court book commenced he was ordered to find sureties 'the Courte having received a certificate from the inhab^t of Wath that Lanc. Carr is a man of leaude life and disolute behaviour'. There had been no improvement for in 1628 his wife committed a breach of the peace and in 1631 she was drunk and carried a candle at night next to the houses of her neighbours. In addition to the usual lesser offences Lancelot himself permitted his house to be in ruins and was ordered to repair it before the next court yet a

	Listed as Tenant	Juror (22 juries)	%	Affeeror
Henry Bolton	22	22	100.0	4
Roger Farmery	22	22	100.0	3
Thomas White	22	22	100.0	1
John Cowley	9	9	100.0	4
Thomas Smith	7	7	100.0	-
George Harrison	2	2	100.0	-
Richard Dighton	22	21	95.5	3
Hugh Todd	22	21	95.5	10
John Watson	22	20	90.9	5
John Walbron	17	15	88.2	1
James Tanfield	22	18	81.8	-
Sampson Stokesley	15	12	80.0	1
William Walbron	5	4	80.0	4
John Smith	19	15	78.9	2
Thomas Bell	21	16	76.2	15
Richard Todd	12	9	75.0	1
Ralph Spooner	22	16	72.7	8
Thomas Duffield	17	12	70.6	2
Christopher Barnes	22	13	59.1	11
Ralph Cowley	4	1	25.0	-
Thomas Todd	10	2	20.0	-
John Todd	9	1	11.1	-
Henry Chater	10	1	10.0	-
Lancelot Carr	22	1	4.5	-
Thomas Jackson senior	22	1	4.5	-
John Other	22	1	4.5	-
William Best	Never listed	1		

Table 18. Wath presentment jurors and affeerors 1625-35.

similar pain had to be laid two years later.¹¹⁹ John Todd had harboured 'Little Kate' and Thomas Todd who succeeded him had also allowed his house to be in decay so they too were perhaps perceived as undesirables.¹²⁰ Of the tenants who never served Thomas Tierman and John Watson could have served later for they were listed at only one court. Thomas Jackson junior could have been tarred with his father's brush and Thomas Jackson the badger who never attended court

¹¹⁹ Atkinson, *Quarter Sessions Records*, 1, pp. 170, 180 and 188-9; *ibid*, 3, p. 116; 16.4.1628, 11.10.1631, 6.5.1633 and 7.10.1633.

¹²⁰ *Ibid*, 1, p. 170; 9.10.1633.

as a tenant was no doubt pursuing his trade. The gentleman William Hardwick was always represented at court by an attorney and is therefore assumed to have lived elsewhere.¹²¹ John Brown probably lived elsewhere too: there is no evidence of residence in Wath and he probably occupied land there only in the lord's waste.¹²² Although this brief survey has not covered all the tenants excluded from juries it does illustrate that in many cases there were possible reasons for their exclusion.

Only once in eleven years did a non-tenant serve on a Wath jury: in 1635 William Best served on the separately-listed but identical leet and baron juries at the last court in the court book. The first person presented by the leet jury was Best himself. He was not a stranger for he had appeared in Wath verdicts since 1632 and he served on a court-baron jury: a stranger was acceptable only on a jury for the king. His offences were agricultural in character which might have indicated he was a non-resident sub-tenant of a listed tenant. But he was also presented annually for selling ale against the statute, an offence one would expect to be presented where the culprit resided. Yet he was not listed as a resiant. Apparent residents not listed as resiants will be further examined in due course.¹²³

Affeering at Wath was confined to the group of regular jurors but those who affeered most often were not the most frequent jurors: the men at the top of the table affeered comparatively rarely and Thomas Bell, Christopher Barnes and Hugh Todd who affeered most often are further down the list. William

¹²¹ In fact Tierman was listed only once and was then succeeded by his widow. Thomas Jackson the badger was marked 'jun' while a tenant but became 'the badger' when listed as a resiant to differentiate him from the other Thomas Jackson junior who had become a tenant in the meantime. This Thomas Jackson junior was the attorney for William Hardwick.

¹²² A Wath pain of 9.4.1634 mentions Brown occupied the waste. Men of that name lived in nearby villages, including one with Wath connections who sued both Thomas Jackson senior and a Wath resiant: John Browne of Thornborough sued Jackson: 19.12.1629; a John Brown sued Michael Prisse [Press]: 22.3.1627; there was also a John Browne at Nosterfield: 14.10.1629 pleas; and at Sutton Howgrave: 5.3.1632 pleas.

¹²³ 9.10.1632, 9.10.1633, 9.4.1634, 4.10.1634 and 7.10.1635.

Walbron was another leading affeeror for he served as such four times in only thirty months. There is no evidence of foremen in the court book but if the first-named affeeror was foreman then Bell took precedence: only once was he not listed first and he always took precedence over the others. Three of these men were 'honest' in that they committed only occasional agricultural and manorial offences but Christopher Barnes also sold ale illegally three times, played illegal games on the sabbath, committed an affray blood and broke the pound.¹²⁴

Only one Wath juror in eleven years was not a tenant at the time. At Snape and Well the juries were almost wholly comprised of tenants, tenants-to-be and ex-tenants. A very different picture emerges at Carthorpe. Of the fifty-five jurors covered by Table 19 only thirty-one (56.4%) were past, present or future free tenants or tenants at Carthorpe:¹²⁵ the juries also included four resiants, a resiant-to-be and nineteen men not listed there during the court-book period. The tenant group occupied only four-fifths (82.4%) of the jury places and even that proportion includes not insubstantial contributions by men not tenants at the time.¹²⁶ Although each man in the tenant group served on a mean of 7.5 juries, much the same as the mean at Snape (7.9), the low mean was achieved not by spreading the burden among the tenants as at Snape but by passing a fifth of the burden to non-tenants: the four resiants and

¹²⁴ 11.4.1632, 26.5.1632, 10.4.1634 and 7.10.1635. Wath had less than four affeerors only once when there were two: 25.10.1625.

¹²⁵ Thomas Iles has been treated as a tenant although not listed as such; he was appointed bailiff at the Easter 1625 court, would no doubt be omitted from the lists for that reason but his appearances in the verdicts show that he was otherwise a typical tenant: 28.3.1627, 3.10.1627, 4.10.1628, 14.10.1629 and 13.10.1630.

¹²⁶ Francis Plummer and Peter Wilson each served only once before taking over tenancies from their fathers: B/14.12.1604, 4.10.1628; B/24.2.1602/3, 4.10.1626, 3.10.1627. Arthur Dodisworth was eleven times a juror and twice an affeeror when a resiant before he became a free tenant. Peter Wilson's father Robert served twice more after he disappeared from the tenant lists. The other ex-tenant Francis Tireman, served twelve times as a juror and three times as an affeeror when he was no longer listed. He was probably the son of the tenant widow Isbella Tierman which would explain his absence from the tenant lists and her seven attendances by her son between 1630 and 1634: B/30.11.1603, B/17.4.1621.

	Listed as Tenant	Juror (22 juries)	%	Affeeror
*Arthur Dodisworth	9	7 + 11	90.0	2
John Danby	22	19	86.4	19
*Robert Wilson	5	4 + 2	85.7	
John Bickers	19	16	84.2	1
Francis Tireman	4	0 + 12	75.0	3
Francis Brunton	22	15	68.2	9
*Christopher Brunton	9	6	66.7	
John Firby	22	14	63.6	8
*Francis Plummer	15	9 + 1	62.5	2
Timothy Hunton	13	8	61.5	5
*William Aikerigge	22	13	59.1	1
*Richard Gaile	22	12	54.5	11
*Peter Wilson	17	8 + 1	50.0	3
Thomas Binckes	4	2	50.0	
*Thomas Wilson	15	7	46.7	
*William Bulmer	22	9	40.9	
Thomas Carter	22	9	40.9	1
*William Denton	22	9	40.9	6
Francis Iles	22	9	40.9	1
Christopher Lumley	11	4	36.4	
*John Beckwith	13	4	30.8	
*William Tanfield	11	3	27.3	
John Mason	20	5	25.0	1
*John Tanfield	22	5	22.7	
*John Wilson	7	1	14.3	
John Toes	22	3	13.6	
*Francis Beckwith	9	1	11.1	
*Christopher Kay	9	1	11.1	
*Richard Toes	15	1	6.7	
*George Dobson	22	1	4.5	
Thomas Iles	Bailiff	2		
Resiants:-				
William Routh		9		
Richard Danby		6		1
John Thomlinson		3		
Christopher Cornforth		2		
Chris. Firby		0 + 4		1
Never listed:-				
Thos Carter jun		5		
Richard Brunton		1		
John Tireman		1		
16 men from elsewhere		19		1
(See Table 20)				

Additions to the 'Juror' column give the numbers of times tenants-to-be and ex-tenants served when unlisted or listed as resiants and to avoid distortion the percentages have been calculated as if they had been listed.

* = Free tenant

Table 19. Carthorpe presentment jurors and affeerors 1625-35.

Juror Afeeror Where and When Listed

Robert Harrison	2		Nosterfield	FT	E1632 & M1633
Francis Tireman	2		Nosterfield	T	E1632 & M1633
William Wilson	2		West Tanfield	T	M1628 & E1629
Marm. Braidwith	1		West Tanfield	T	M1628
Chris. Broughton	1		Thornborough	R	E1635
Simon Browne	1		West Tanfield	T	M1628
Richard Burne	1		West Tanfield	T	M1628
William Hutchinson	1		West Tanfield	FT	M1625
James Kilborne	1		West Tanfield	T	E1632
Francis Lucas	1	1	Nosterfield	T	E1632
Francis Lucas	1		East Tanfield	T	E1635
John Lucas	1		Nosterfield	T	E1632
Thomas Mudd	1		West Tanfield	T	E1635
Anthony Pithy	1		Nosterfield	FT	E1634
William Watter	1		Thornborough	R	E1632
Francis Younge	1		West Tanfield	T	M1633

FT = Free Tenant

E = Easter

T = Tenant

M = Michaelmas

R = Resiant

Table 20. Carthorpe presentment jurors and afeeror not listed at Carthorpe 1625-35.

one resiant-to-be served twenty-four times as jurors and twice as afeerors; the nineteen men not listed at Carthorpe acted as jurors twenty-six times and as an afeeror once. Sixteen of the latter were listed elsewhere in the manor as revealed by Table 20 which gives their villages, status and the dates of the courts where they appeared both in other village call lists and the Carthorpe jury lists. It is no coincidence that the three men not traced in call lists for elsewhere in the manor shared surnames with Carthorpe tenants: in two cases the parish registers reveal they were their sons.¹²⁷ We have seen that the leet jury, the jury of the king, could include strangers but strictly the court baron jury should have been

¹²⁷ Carter: B/8.5.1596; Brunton: B/4.5.1612.

made up of tenants of the manor.¹²⁸ The tenants from other villages were tenants of the manor but the Carthorpe court-baron juries not only routinely included residents and non-tenants from Carthorpe but twice included residents from elsewhere. It would seem that some of the men of Carthorpe were just as reluctant to serve on juries as we found them reluctant to attend court.

The Carthorpe jury entered in the record of the Easter 1632 leet included seven men from the village. It also included six men variously from Nosterfield, Thornborough and West Tanfield.¹²⁹ Three Carthorpe tenants, all of whom had served on previous juries, attended court that day yet they were not included in the jury.¹³⁰ Such apparent failures to use suitable men available at court are not rare. It is also not unusual to find members of juries marked to show they were absent from the court for which they are included in the jury list. Indeed, John Walbron was listed as a Wath juror at the Michaelmas 1633 court yet he had been buried five months.¹³¹ These inconsistencies occurred because sometimes court-leet juries were appointed before court to report at the court or appointed at the court to report later, either at a separate jury day or perhaps even at the next leet.¹³² The inconvenience of using men

¹²⁸ Giles Jacob stated the court baron jury should comprise only freeholders of the manor but later advised stewards to select the homage from copyholders: *Complete Court-Keeper*, pp. 5 and 32; Sir William Scroggs pointed out that the court baron was sometimes called the copyholders' court and sometimes the freeholders' court: *Practice of Courts-Leet*, p. 19.

¹²⁹ West Tanfield and Thornborough had separate juries. East Tanfield and Nosterfield were treated as part of West Tanfield.

¹³⁰ Christopher Brunton, Thomas Carter senior and Christopher Kay.

¹³¹ Wa/p.47. Richard Pibus of Well is included in the list of jurors and entered as an affeeror at the end of the verdict of the Michaelmas 1614 court at Snape and Well yet he is shown as essoined in the call list: 1/119; William Hutchinson of Snape was a juror and marked as a defaulter at the Michaelmas 1615 court: 1/130; and John Thomson of Snape was a juror and marked as excused at the Easter 1616 court: 1/135.

¹³² Atkinson, *Quarter Sessions Records*, 6, p. 188; Ault, *Private Jurisdiction*, p. 165; Bennett, *Life on the English Manor*, p. 210; Harrison, 'Social and Economic History of Cannock and Rugeley', p. 136; McIntosh, *Autonomy and Community*, p. 187; Webbs, *Manor and Borough*, p. 23. The practice of choosing jurors at the previous session was approved in 1801: Hearnshaw, *Leet Jurisdiction*, Appendix 3 (Davidson v Moscrop). At Laxton, Nottinghamshire, (Continued ...

from other villages under these circumstances is obvious yet Carthorpe failed to find all its own jurors.

The village also failed to provide an affeeror once: Francis Lucas of Nosterfield affeered at the Easter 1632 leet. The other three affeerors hailed from Carthorpe but it is not obvious why the fourth affeeror was not chosen from the four other Carthorpe men serving on that jury, not least because two of their number were ex-affeerors.¹³³ Perhaps they were absent when the amercements were affeered at a later jury day. John Danby always headed the many affeeror lists in which he was included and was therefore perhaps the regular foreman. William Denton was listed second to him but not to the others. Richard Gaile deferred only to Danby and Denton. All the leading affeerors at Carthorpe were presented for the usual agricultural offences but little else: the worst finding against any of them was that Francis Brunton, Timothy Hunton and Francis Tireman kept greyhounds without the lord's licence.¹³⁴

Examination of the presentment jurors, their foreman and the affeerors in the four villages has shown patterns sometimes not dissimilar but otherwise quite different. At Snape and Well the tenants dominated the juries; the jury net was cast more widely at Snape but still without catching more than a few who were not tenants at the time. At Wath a select group of tenants filled the jury and affeeror places repeatedly and served twice as often as their opposite numbers at Snape. Many tenants in all three villages never served as jurors. The affeerors in these villages tended to be drawn from the regular jurymen but not all regular jurymen served as affeerors. The Carthorpe tenant jurors each served on as many juries as the Snape tenant jurors but only because their juries included so many outsiders. Affeerors there were usually drawn from the tenants

¹³² Continued ...) the presentment jury still meets a week before the leet: J.V. Beckett, *A History of Laxton* (Oxford, 1989), p. 32; *idem*, 'Laxton: England's Last Open Field Village', *The Historian*, 20 (1988), p. 15.

¹³³ Arthur Dodisworth and Timothy Hunton. Carthorpe had less than four affeerors on five occasions but never less than two: 25.10.1625, 10.4.1626, 16.4.1628, 4.10.1628 and 20.4.1629.

¹³⁴ 9.10.1632.

but residents and an outsider also served in this capacity. In all four villages few men served as foremen or as regular affeerors and there is evidence that some foremen took precedence over others. We have found two of these regular affeerors were not as 'honest' as the theorists believed affeerors should be.

Dawson found that at Redgrave, Suffolk, from 1603 to 1610 certain 'veterans' appeared as jurors frequently but most jurors appeared only once or twice and none of his 'veterans' appeared in every jury. He found much the same pattern in three neighbouring manors at the same time. Harrison's findings for late sixteenth-century Cannock and Rugeley, Staffordshire, were much the same: seventy men served on sixteen juries. Dawson, who seems to have had no access to information about the total number of tenants at Redgrave, concluded that jury service there was distributed widely among a large group of 'law-worthy' men. The distribution at Cannock and Rugeley court also appears to have been wide although most of the 265 suitors there did not serve in the period Harrison studied.¹³⁵ Some Snape and Well jurors appeared even more regularly than the Redgrave 'veterans' and less men served infrequently than in these other manors. But less tenants were ignored and therefore the distribution there was also quite wide. Jury service was distributed less widely at Wath and at Carthorpe it could be argued it was distributed too widely.

Having examined the jurors, foremen and affeerors we now turn to the holders of the manorial offices: the constables and bilawmen. The status of the jurors and the officers will also be examined.

¹³⁵ At Redgrave of sixty-five men on fifteen juries one man was a member of eleven, two men of ten, one man of nine and three men of eight. But sixteen men were members of only two and twenty men of one. The picture was much the same at Botisdale, Gisligham and Hindercley: Dawson, *History of Lay Judges*, pp. 217-8. At Cannock and Rugeley a couple of men served on thirteen and eleven juries respectively but the majority served only once or twice: Harrison, 'Social and Economic History of Cannock and Rugeley', p. 136. At Coxwold, Marske and Otley in Yorkshire about a fifth of the jurors served only once: Bruen, 'Leet Jurisdiction and Social Regulation', p. 170, footnote 46.

The Manorial Officers

In the early seventeenth century petty constables were appointed by the court leet.¹³⁶ Although the appointments were made in the manor court they were for the separate townships and the four Vale of Mowbray village juries each chose their own constables.¹³⁷ Most villagers were in theory required to take their turn.¹³⁸ But some of the villagers would not be obliged to serve: the obligation fell on all the inhabitants except those exempt by statute or otherwise and those exempt included clergymen and 'Ideots, Poor, Old and Sick persons'.¹³⁹ Others might escape appointment because they failed to meet the standards said to be required of constables: 'they ought to be honest, understanding, and able Men: to be Men of Substance, and not of the meaner Sort' and 'of the better Sort of

¹³⁶ T.A.Critchley, *A History of Police in England and Wales 900-1966* (London, 1967), pp. 5-17; Holdsworth, *History of English Law*, 1, p. 137; and Kent, *English Village Constable*, pp. 57 et seq.

¹³⁷ In the parish of Burneston, for example, Burneston itself, Carthorpe, Gatenby, Theakstone and Exelby (with Leeming and Newton) each had their own constables: Atkinson, *Quarter Sessions Records*, 2, p. 104. Also see, S. and B. Webb, *English Local Government*, (11 vols, London, 1903-29), 1 *The Parish and the County*, (London, 1906), p. 27; *idem*, *Manor and the Borough*, p. 28; W.E.Tate, *The Parish Chest* (Cambridge, 1946), Third Ed. (Cambridge, 1969), p. 29. It has been suggested the existence of a constable was evidence of an independent township: H.B.Simpson, 'The Office of Constable', *The English Historical Review*, 10 (1895), p. 627.

¹³⁸ Originally constables were probably selected from all those owing suit to the leet but by the late Tudor and early Stuart period there was considerable local diversity of choice ranging from a few restricted households to a large proportion of male heads of households. The choice might be free, by house row, by the steward, by a particular landowner, by the vestry or on the recommendation of the previous constable: Kent, *English Village Constable*, p. 59. For diverse North Riding and Lancashire examples see Eleanor Trotter, *Seventeenth Century Life in the Country Parish* (Cambridge, 1919), p. 107, and King, 'Vagrancy and Local Law Enforcement', p. 272. In the eighteenth century the courts confirmed constables should be chosen by the jury, not by the bailiff or the steward: Hearnshaw, *Leet Jurisdiction*, Appendix 3 (Phillips v High Bailiffs of Westminster; R v Stevens).

¹³⁹ Kent, *English Village Constable*, p. 58; Jacob, *Compleat Parish-Officer*, p. 4; Webbs, *The Parish and the County*, p. 15, footnote 2.

Resiants'.¹⁴⁰

Each of the village juries also appointed bilawmen, otherwise known as bilawgraves.¹⁴¹ There is no direct evidence in the seventeenth-century records of what the post entailed but their duties were associated with the management of the common land: in 1754 the clerk recorded 'N.B. As the Moor is divided, no occasion for any Bylawgraves for Snape'.¹⁴² There are occasional references to the appointments of aletasters in both manors but it would seem the villages otherwise managed without the variety of manorial officers found elsewhere.¹⁴³ The guardians of the poor, the overseers of the highways and the churchwardens, all parish rather than manorial officers, are nevertheless also occasionally mentioned in the leet records: they were fined for neglect, or sued or were sued in the court baron.¹⁴⁴

The men who served either as presentment jurors or officers at Snape are listed in Table 21. Like the jurors the

¹⁴⁰ Jacob, *Compleat Parish-Officer*, p. 4; Bacon, *Office of Constables*, p. 5. Joan Kent has pointed out that statements formerly accepted by historians that only poor and ignorant men were selected have been challenged by a growing number who have contended that constables were more substantial and better qualified. She herself concluded her book by suggesting 'that constables ... seem to warrant a much more favourable press than they have usually received': *English Village Constable*, pp. 1-8, 80 and 311.

¹⁴¹ Because of the 'by' Professor Skeat thought a 'by-law' was a law affecting a township; but the Rev. Atkinson found references to 'burlaw-men', noted differences between north country, and especially North Yorkshire, manors because of Danish influence and preferred 'burlaw' or 'birlaw' meaning the law of neighbours: *Quarter Sessions Records*, 4, p. 225; and *ibid*, 8, pp. xi-xii.

¹⁴² 1/322. A bilaw-man is said to have managed the common pasture at Preston-under-Scar, Wensleydale, until 1939: North Yorkshire Federation of Women's Institutes, *The North Yorkshire Village Book* (Newbury, Berkshire, 1991), p. 197.

¹⁴³ 1/177, 3.10.1627 and 4.10.1634. At two of each the number of aletasters and the number of constables was the same in both villages which gives the lie, at least at Snape and Wath, to the Rev. Boulter's intriguing suggestion that because so much ale was consumed more aletasters were needed than constables: Rev. W.C. Boulter, 'Court Rolls of Some East Riding Manors 1563-1573', *Yorkshire Archaeological and Topographical Journal*, 10 (1889), p. 69.

¹⁴⁴ Jacob, *Compleat Parish-Officer*, pp. 32, 67 *et seq* and 129 *et seq*; Tate, *Parish Chest*, pp. 29-30, 86, and 243. 1/130 (pleas), 1/155 (6.5.1618), 1/162 (10.6.1619), 1/178 (9.6.1621) and 4.10.1628 (Carthorpe verdict).

	Listed	Juror	Foreman (Affeeror)	Constable	Bilawman	
George Lambert	22	20	-	-	3	
Edward Thomson	22	20	5 (12)	-	1	
Francis Dinsdale	22	19	-	-	1	
Edward Place	22	18	- (2)	-	1	
William Pratt	22	18	4 (6)	DID NOT SERVE		
John Thomson	22	18	- (3)	1	1	
Richd Stoute sen	10	8	- (1)	-	1	
William Tyreman	10	8	- (7)	1	2	
Robert Thomson	14	11	-	-	1	
Thomas Thomson	8	6 + 1	-	- + 1	-	
Richard Jaques	12	9	- (2)	1	2	
William Reynard	22	15	-	DID NOT SERVE		
Henry Saville	14	9	- (2)	-	2	
Richard Carleton	7	3 + 3	-	DID NOT SERVE		
John Cole	22	13	- (3)	1	1	
Mathew Reynard	22	13	-	-	1	
Robert Mountain	22	13	1 (3)	1	1	
Thomas Yeates	19	11	- (1)	-	1	#
Thomas Gatenbie	22	12	-	DID NOT SERVE		* #
William Horner	13	6	-	1	1	*
William Hutchinson	22	10	-	1	1	
George Dobbie	22	9	3 (5)	-	1	
George Fleeminge	22	7	5 (5)	1	-	
Richard Toes	22	7	-	1	1	
Marmaduke Mason	22	6	- (1)	-	1	
Edward Holtbie	4	1	-	DID NOT SERVE		
Henry Silson	16	4	- (1)	1	1	
Thomas Saville	8	2	-	1	-	
James Tennant	5	1	- (1)	DID NOT SERVE		
Henry Carleton	5	1	-	-	1	
John Harrison	10	2	- (1)	DID NOT SERVE		
John Reynardson	22	4	-	1	-	
George Cole	22	3	-	DID NOT SERVE		
Mathew Smith	22	3	- (1)	1	-	
John Sicklinge	9	1	-	-	1	
Thomas Stoute	10 or 12	1	-	DID NOT SERVE		
Brian Reynard	22	2	- (1)	-	1	
Simon Gill	22	2	-	DID NOT SERVE		
Richd Stoute jun	22	2	-	1	1	
Robert Rookbie	12	1	-	1	-	
Chris. Thomson	22	1	-	-	1	
Thomas Mason	21	-	-	-	1	
John Whorlton	18	-	-	-	1	
John Blakelocke	16	-	-	-	1	
William Penne	8	-	-	-	1	
George Buckshawe	6	-	-	-	1	
Thomas Harrison	5	-	-	1	-	
Peter Spooner	3	-	-	-	1	

The addition to the 'Constable' column gives the number of times a tenant-to-be served when listed as a resiant.

* = Aletaster # = Guardian

Table 21. Snape constables and bilawmen 1611-21.

officers were drawn from the tenant body; only Thomas Thomson served as an officer when not a tenant and he was a resiant tenant-to-be.¹⁴⁵ If the jury net was cast widely at Snape then the officer net was cast just as widely for forty-one men served on juries and thirty-eight served as officers. Although the period of eleven years studied is comparatively short and the names of only seventeen constables are available there appears to be a correlation between service as a constable and service as a juror: only one of the constables was not a member of a jury. The correlation between service as bilawman and juryman is weaker but there seems to be a clear connection: only six of the many non-jurors served as bilawmen. None of the constables served more than once in eleven years but three men served as bilawmen twice and one thrice: these men are to be found at the top of the table among the jurors who served most frequently. That some men served more than once in one or both offices before others apparently acceptable served even once would seem to indicate there was no system in the appointments. The examples of repeated service also seem to refute the suggestion that because 'each of [the] parish offices was held for one year only, it follows that every capable man in the parish would eventually serve in one or all of them':¹⁴⁶ it is assumed more than six of the thirty-six tenants who were not appointed jurors would have served at least in what appears to have been the lowlier post of bilawman if service was almost universal. The table indicates that at Snape the office of constable was probably distributed as widely as jury membership, the post of bilawman was probably shared out a little more widely but not every tenant was required to undertake these duties. The resiants seem to have been almost ignored.

At the Michaelmas 1620 leet seventeen men were presented for playing bowls at Snape and unusually their occupations are given. These occupations, and a few gleaned from other sources,

¹⁴⁵ The appointments of constables and bilawmen are usually to be found after the jury lists for the Michaelmas courts. Appointments entered in the roll for the Easter 1613 court were deleted, no doubt because the appointments were too soon; these appointments have been discounted but the six men involved were all tenants: 1/113.

¹⁴⁶ Trotter, *Seventeenth Century Life*, p. 117.

Listed Juror Foreman Constable Bilawman
(Affeeror)

John Cole	Yeoman	22	13	- (3)	1	1
Richard Dobbie	Yeoman	-	(Son of George)			
Richard Fleeminge	Yeoman	-	(Brother of George & son of Joanna)			
Thomas Yeates	Yeoman	19	11	- (1)	-	1 #
Richard Carleton	Husbandman	7	3+3	-	-	-
George Lambert	Husbandman	22	20	-	-	3
William Pratt	Husbandman	22	18	4 (6)	-	-
John Saville jun	Husbandman	Resiant				
John Sicklinge	Husbandman/ Tailor§	9	1	-	-	1
Richard Stoute sen	Husbandman	10	8	- (1)	-	1
Richard Stoute jun	Husbandman	22	2	-	1	1
William Carleton	Skinner	Resiant				
George Craue	Wheelwright	-				
Edward Greneson	Tailor	Resiant				
Edward Holtbie	Joiner	4	1	-	-	-
William Horner	Tanner	13	6	-	1	1 *
John Place	Blacksmith	21	-	-	-	-
Richard Place	Blacksmith	-				
John Reynardson	Hooper	22	4	-	1	-
Thomas Wigglesworth	Miller	19	-	-	-	-
John Williamson	Tanner	Resiant				
Thomas Buck	Labourer	Resiant				

§ Described as tailor in the court roll but
husbandman in the presentment.

* = Aletaster
= Guardian

Table 22. Inhabitants of Snape with known occupations and the offices they held 1611-21.

form the basis of Table 22 which provides an opportunity to examine the status of some of the jurors and officers at Snape.¹⁴⁷ That John Sicklinge was recorded as both a husbandman and tailor was no doubt more than a slip of the pen: six of the craftsmen listed can be shown to have worked land and dual occupations were, as Joan Thirsk has

¹⁴⁷ 1/170 and 3/83. Francis Gibson, a tailor, was a tenant at Well and is not included in the table. The sources for the other occupations are Cole: 1/157 (agreement about dunghill after Well verdict); Greneson: 1/170 (pleas); John Place: 3/45; Wigglesworth: listed 'for the mill' from 1/144, amerced for taking excessive mulcture and sued for diverting the millstream: 1/153-4 and 1/163.

pointed out, 'the best insurance that men with almost no savings and certainly no capital resources could have devised. If misfortune attended one activity, there was always the other to fall back on.'¹⁴⁹ Some of the other 'husbandmen' could have had trades. If differentiation between husbandmen and craftsmen is imprecise then imprecision could also creep into the designation of yeomen: as Margaret Spufford observed, 'the edges of each group blur indistinguishably into the next'.¹⁴⁹ Nevertheless the occupations given in the records are those perceived as appropriate by contemporaries and, notwithstanding doubts about the precision of such designations, they are the best general guide we have to the status of these jurors and officers. The yeomen and husbandmen in our sample served more often as jurors and provided the only affeerors. They would work the most land and therefore it is not surprising that they also provided most of the bilawmen. The constables are evenly distributed. Of the four foremen and dominant affeerors at Snape only William Pratt appears in the table and he was designated a husbandman. But there are clues to where George Dobbie and George Fleeminge would have appeared: Richard Dobbie and Richard Fleeminge, their son and brother respectively, were yeomen and both the Georges were probably yeomen too.¹⁵⁰ The impression gained from Table 22 is

¹⁴⁹ Carleton: 1/139 (verdict); Holtbie: 1/167 (pleas); John Place: 1/153-4 (jury finding); Reynardson: 3/43; Wigglesworth: 1/139 (verdict); and Williamson: 1/159 (12.11.1618). Joan Thirsk, 'Horn and Thorn in Staffordshire: the Economy of a Pastoral County', *North Staffordshire Journal of Field Studies*, 9 (1969), p. 11. Two-thirds of 3600 inventories drawn from seventeen counties, and half in the northern lowlands, revealed evidence of by-employments between 1540 and 1640: A. Everitt, 'Farm Labourers' in H.P.R. Finberg (gen. ed.), *The Agrarian History of England and Wales* (8 vols, Cambridge, 1967-91), Joan Thirsk (ed.), 4 *1500-1640* (Cambridge, 1967), p. 425. Also see Riley, 'Families and Their Property', pp. 57, 60 and 68 *et seq.*
¹⁴⁹ Laslett, *World We Have Lost*, p. 44; Spufford, *Contrasting Communities*, p. 39.

¹⁵⁰ George Dobbie and Richard Fleeminge were named as pledges in suits by their son and brother respectively: 1/109, 1/153-4 and 1/171 (13.12.1620). The sons of yeomen could be known as yeomen even though they had no land: Mildred Campbell, *The English Yeoman under Elizabeth and the Early Stuarts* (Yale, 1942), pp. 26 and 32; c.f. Laslett, *World We Have Lost*, p. 39. There is no evidence that Richard Dobbie worked land himself and he probably farmed with his father for the father was sued when the son felled trees: 1/139; (Continued ...

that the yeomen and husbandmen, and particularly the yeomen, provided more of the jurors, affeerors and bilawmen at Snape than the men designated as craftsmen.

At Well we found that service as a juror was slightly more exclusive than at Snape. Table 23 shows that these men provided all but two of the eighteen constables recorded in eleven years, the two exceptions being a tenant and a tenant-to-be not listed at the time.¹⁵¹ They also provided most of the bilawmen, including all those who served more than once. Two of the five foremen served as constables and three as bilawmen. But ten tenants not called upon to serve on juries were also appointed to what has been assumed to be the lesser office. The resiants Gilbert Hunter and George Thomson joined the regular resiant jurymen Francis Pibus in service as bilawmen: in all three cases there is evidence they kept animals and therefore no doubt used the common, indeed Thomson was twice amerced for overcharging it.¹⁵² Only four men served as officers when not listed and in two cases it was before the new steward added them to the call lists. The multiple appointments again seem to indicate there was no system for choosing officers. The table indicates that the men of Well like their neighbours in Snape equated jury service with service as a constable but they were prepared to appointment bilawmen outside the comparatively select group of jurors.

¹⁵⁰ Continued ...) fathers and married sons both supported families from the same holding at Highley: Nair, *Highley*, p. 49. There is evidence that Richard Fleeminge farmed with his mother Johanna: when she claimed stray sheep he proved her ownership. Given that she was then said to be of Middells it is possible both sons farmed with their mother: 1/175 (28.4.1621 memorandum).

¹⁵¹ Thomas Hutchinson's name is entered above a deletion opposite the heading 'Constables Snape' in the Michaelmas 1621 roll: 1/177; there was no person of that name listed at Snape. There was a similar deletion opposite the heading 'Constables Well' immediately below the Snape heading but no name was inserted: Thomas Hutchinson was listed as a tenant at Well. There is every reason to suspect the insertion was made in the wrong place in error and Hutchinson has been treated as a Well constable.

¹⁵² Hunter: 1/119 (pleas); Pibus: 1/161 (verdict); Thomson: 1/120, 1/125, 1/128, 1/139 (pleas), 1/144 (verdict and pleas), 1/147, 1/153-4 (joint verdict), 1/159 (pleas), 1/178 (30.6.1621) and 3/35.

	Listed	Juror	Foreman (Aifeeror)	Constable	Bilawman
Thomas Allanson	16	16	2 (8)	-	1
Lancelot Brown	4	4 + 6	3 (3)	- + 1	-
Francis Pibus	5	5 + 14	- (1)	1	1 + 1
John Smorthwaite	20	19	- (4)	1	3
John Braithwaite	16	15	- (1)	1	2
Roger Hodgson	21	18	4 (8)	-	1
Thomas Brown	12	10	- (2)	1	1
Thomas Lumley	21	17	1 (6)	-	1
Leonard Hunter sen	17	13 + 3	-	1	-
William Wilson	21	15	- (3)	1	-
Thomas Harland	17	11	- (2)	1	1
Christopher Benson	21	13	- (4)	DID NOT SERVE	
Thomas Johnson	21	13	-	DID NOT SERVE	
Richard Pibus	16	9 + 2	- (2)	1	1
Edward Robinson	18	11	-	-	1
Thomas Thomson	5	3	-	-	1
Oswald Benson	21	11	4 (6)	1	-
William Reynard	17	8 + 1	- (1)	-	2
John Hawxwell	21	10	- (3)	1	1
John Crosley	18	8	-	DID NOT SERVE	
Edward Harland	21	7	- (1)	-	1
Richard Lund	16	5	-	DID NOT SERVE	
John Allanson	11	3	- (1)	DID NOT SERVE	
John Birkdale	19	4 + 1	-	1	-
Leonard Hunter jun	12	3	-	-	1
Henry Wilson	20	5	-	-	1
John Scurrey sen	21	5	-	DID NOT SERVE	
John Mason	17	4	-	DID NOT SERVE	
Thomas Hutchinson	16	1 + 3	-	1	1 + 1
John Reynardson	16	2	-	1	1
Richard Kilburne	13	1	-	-	1
Francis Mounton	14	1	-	DID NOT SERVE	
Thomas Cowper	16	1	-	1	1 §
Thomas Robinson	16	1	-	1	1
George Bucke	19	1	-	DID NOT SERVE	
Robert Freare	21	-	-	-	1
Henry Inglebie	21	-	-	-	1
Thomas Scotson	18	-	-	-	1
Leonard Badforth	16	-	-	-	1
John Carrie	16	-	-	1	1
William Bulmer	15	-	-	-	1
Edward Hutchinson	12	-	-	-	1
Roger Bridgewater	9	-	-	DID NOT SERVE §	
John Sicklinge	6	-	-	-	1
Robert Lund	5	-	-	0 + 1	-
Ninian Reynard	2	-	-	-	1
Thomas Mudd	1	-	-	-	1
Gilbert Hunter	Resiant				1
George Thomson	Resiant				1

§ = Churchwarden § = Overseer of highways
Additions to the 'Constable' and 'Bilawman' columns give the number of times tenants-to-be served when not listed or listed as resiants.

Table 23. Well constables and bilawmen 1611-21.

Listed Juror Foreman Constable Bilawman
(Affeeror)

Marmaduke Gill	Yeoman	1	-	-	-	-
John Scurrer sen	Husbandman	21	5	-	-	-
Robert Alexander	Farmer	Not listed				
William Badforth	(Farmer)	18	-	-	-	1
William Bulmer	(Farmer)	15	-	-	-	-
Roger Garbutt	Farmer	10	-	-	-	-
Chris. Hunter	Farmer	Resiant				
John Reynardson	Farmer	16	2	-	1	1
Francis Gibson	Tailor	3	-	-	-	-
William Wilson	Glazier	21	15	- (3)	1	-
William Atkinson	Labourer	16	-	-	-	-
George Richardson	Labourer	Not listed				
John Scurrer	Labourer	Resiant				

(Farmer) = inventory indicates he was a farmer

Table 24. Inhabitants of Well with known occupations and the offices they held 1611-21.

Without a lengthy list of men caught bowling we have fewer occupations for Well men. Seven of the men listed in Table 24 appeared at the quarter sessions for riotous behaviour so it is perhaps not surprising that only three served in any office. Only four other occupations have been traced and two more have been deduced from inventories.¹⁵³ The table is not as helpful as the equivalent table for Snape and it tells us more about occupational designations than it does about the status of men who served in offices at Well. Two of the four men described as farmers in the

¹⁵³ Alexander, Garbutt, Hunter, Reynardson and Wilson: NYCRO/QSM/2 (Richmond, 10.10.1620); Atkinson and Richardson: Atkinson, *Quarter Sessions Records*, 1, p. 212; Gill: *ibid*, 3, p. 216; Badforth and Bulmer: Well inventories 3 and 4 at Bedale Museum; Gibson: 1/170 and 3/83; the two John Scurrers were differentiated in the call lists by their occupations: 'agricola' has been translated as husbandman rather than farmer because the 'husbandman' in the bowling presentment was translated as *agricola* in the formal verdict: 1/170 and 3/83.

quarter sessions records were not listed as tenants of the manor or the hospital. Christopher Hunter appeared in the call lists as a resiant for seven years but there is no direct evidence in the rolls of farming: only once did he put animals on the common without right. However, he was an executor of the daughter of, and therefore no doubt related to, the deceased resiant Gilbert Hunter and we have seen that Gilbert kept animals and served as a bilawman.¹⁵⁴ Robert Alexander married in the parish in 1617, had two children baptized there in the next four years but he was never listed. He was twice amerced but not for agricultural offences and there is no evidence of farming in the court rolls.¹⁵⁵ Given the regularity and frequency of true farmers' appearances in the presentments and verdicts one must suspect the accuracy of the quarter sessions designation 'farmer': Garbutt and Reynardson, the other riotous farmers, were both listed tenants but they too apparently committed no truly agricultural offences: Reynardson merely put animals on the common without right once and once served as a bilawman.¹⁵⁶ Table 24 contains too little information for us to form an impression of the allocation of manorial positions at Well. But the few examples it provides are not inconsistent with the pattern at Snape, the only difference being that at Well a single craftsman served as an affeeror.¹⁵⁷

The domination of presentment juries exercised by the select group of only nineteen tenants at Wath seems to have extended to tight control of the manorial offices. The records are incomplete but Thomas Jackson senior was the only man outside the group at the top of Table 25 who held any of the manorial offices given in the court book: he was appointed a constable at the court at which he was first ordered to produce the survey book and a bilawman the following year. But George Harrison, a member of the select group, served as a constable in 1632 two years before he was listed

¹⁵⁴ W1/f.40v, 1/155 (4.6.1618 and 25.6.1618) and 1/157 (verdict),

¹⁵⁵ W1/f.25v, W1/f.8v, W1/f.9v, 1/147 and 1/174.

¹⁵⁶ 1/147 and 1/157.

¹⁵⁷ Eight men amerced for selling ale and described as 'brewsters' were ignored in the survey of Well occupations because it is assumed this was not an occupation as such; they included the foremen and leading affeerors Roger Hodgson and Thomas Lumley: 3/34.

	Listed	Juror	Affeeror	Constable	Bilawman	
Henry Bolton	22	22	4	1	1	*(2)
Roger Farmery	22	22	3	2	1	
Thomas White	22	22	1	1	1	
John Cowley	9	9	4	1	-	
Thomas Smith	7	7	-	1	-	
George Harrison	2	2	-	0 + 1	-	
Richard Dighton	22	21	3	1	1	
Hugh Todd	22	21	10	1	-	
John Watson	22	20	5	1	2	*
John Walbron	17	15	1	-	1	
James Tanfield	22	18	-	1	1	
Sampson Stokesley	15	12	1	-	1	
William Walbron	5	4	4	1	-	
John Smith	19	15	2	1	-	
Thomas Bell	21	16	15	1	1	
Richard Todd	12	9	1	1	1	
Ralph Spooner	22	16	8	1	1	
Thomas Duffield	17	12	2	-	1	*
Christopher Barnes	22	13	11	1	-	
Ralph Cowley	4	1	-	-	-	
Thomas Todd	10	2	-	-	-	
John Todd	9	1	-	-	-	
Henry Chater	10	1	-	-	-	
Lancelot Carr	22	1	-	-	-	
Thomas Jackson sen	22	1	-	1	1	
John Other	22	1	-	-	-	

The addition to the 'Constable' column gives the number of times a tenant-to-be served when unlisted.

* = Aletaster

Table 25. Wath constables and bilawmen 1625-35.

as a resiant and three years before he was transferred to the tenant lists. Every member of the select group served either as a constable or bilawman during the eleven years; several served in both offices including two men who served three times in all. There is no evidence that the post of bilawman was treated as inferior for it was not extended to the non-jurors. There is some evidence that the posts were linked systematically for Thomas Jackson senior was not the only tenant to serve as constable and bilawman in consecutive years. Of the eighteen constables recorded in the court book eight became

bilawmen the following year'¹⁵⁸ and in eight other cases this could have happened but the names of the bilawmen are not available. However, in two cases constables were not appointed bilawmen the following year and in two other cases men served twice out of what would have been the sequence.¹⁵⁹ If there was a system the appointment of constables may well have been on a ten-year cycle: a man who was a bilawman in 1626 and therefore perhaps a constable in 1625 was a constable in 1635 when his colleague was the son and successor as tenant of the man who had been his colleague ten years before. A ten-year cycle with two constables each year would cover the nineteen men plus Thomas Jackson senior exactly.¹⁶⁰ It is possible that Thomas Jackson was not so much chosen but appointed because it was his turn.

We have insufficient occupations of Wath inhabitants to use them to seek correlations between social status and offices held.¹⁶¹ But the Wath verdicts and pains are comparatively full and the frequent references to land held give us an idea in some cases of tenants' relative standing in the community. We have seen that Thomas Jackson senior was in trouble for not scouring the Ellergutter. At various times the presentments, pains and pleas mention his land at nine other locations. This evidence tends to indicate his land was not insubstantial and his description at the quarter sessions as a yeoman, if not a gentleman, was

¹⁵⁸ 1626: John Watson and Ralph Spooner; 1630: Henry Bolton and Thomas Bell; 1631: Richard Dighton and Thomas Jackson senior; 1632: James Tanfield; 1633: Richard Todd.

¹⁵⁹ James Tanfield's fellow constable in 1632 was George Harrison but his fellow bilawman the following year was John Watson. Richard Todd's fellow constable in 1633 was John Smith and his fellow bilawman the following year was Thomas White. Roger Farmery served as a constable in both 1634 and 1635. John Watson served as a bilawman in both 1627 and 1633.

¹⁶⁰ Roger Farmery served with John Walbron in 1626 and with William Walbron in 1635.

¹⁶¹ We have occupations only for the yeoman Thomas Jackson senior, the farmer Christopher Barnes, Thomas Jackson the badger and the gentleman Henry Chater: the latter two were described as such in the call lists but played little or no part in the administration of the manor.

justified.¹⁶² The leading affeeror Thomas Bell was better behaved than Thomas Jackson but nevertheless the verdicts and pains show that he occupied several pieces of land and he was second only to Jackson in that regard.¹⁶³ Another leading affeeror, Christopher Barnes, was described as a farmer in a civil suit and the records show he occupied at least four plots of land: he was not simply an alehousekeeper as he was described in the quarter sessions records at the time.¹⁶⁴ The other leading affeerors, Hugh Todd and William Walbron, also held land.¹⁶⁵ The evidence is crude but the influential jurymen at Wath appear to have been farmers, whether yeomen or husbandmen, like their opposite numbers at Snape and Well.

As their attendance record shows the tenants at Carthorpe were reluctant to travel to West Tanfield and their juries were topped up with resiants, persons not listed and tenants from other villages. But persons from elsewhere in the manor could hardly serve as officers in the village and all the constables and bilawmen listed in Table 26 were indeed Carthorpe men. The officers were selected from those villagers who served as jurors and the selection seems to have been tighter: the officers included only two of the five resiants who served as jurors, none of the jurymen not listed and only two of the five who served on juries when ex-tenants or tenants-to-be, both tenants-to-be. The names of only half the officers are available and this no doubt explains the bigger proportion marked 'Did not serve' in the table: some no doubt served but we do not have their names. But the affeerors at the top of the

¹⁶² Ellergutter: see Table 3; Sandwith and Halgarth gutters and near Kirkbeck Bridge: 3.10.1627; 'toffmiers'/moor: 25.10.1625; Todd close/foxeholme: 31.3.1630; Ings: 9.4.1634 (pain); Foxholmes land: 9.10.1633 (pain); Butt Close: 16.6.1632 (pleas); and hempland: 11.7.1635 (pleas). He was once referred to as a gentleman and twice as a yeoman when dealt with at the quarter sessions: Atkinson, *Quarter Sessions Records*, 2, pp. 178 and 222; and *ibid*, 3, p. 160.

¹⁶³ 'the garth', 'the close' and Fowlesyke: 20.4.1625; 'Brayes': 25.10.1625; and Wattridge close: 6.5.1633.

¹⁶⁴ Farmer and the Ellers: 16.6.1632; toft and garth: 4.10.1628 and 9.4.1634 (2); Moore close: 11.4.1632; and alehousekeeper: NYCRO/QSM/3 (Thirsk, 2.10.1633).

¹⁶⁵ Todd: 25.10.1625, 31.3.1630 and 13.10.1630; Walbron: 22.6.1633 (tenement of John deceased), 25.10.1625 and 6.5.1633 (John's plots mentioned).

	Listed	Juror	Affeeror	Constable	Bilawman
*Arthur Dodisworth	9	7 + 11	2	0 + 1	1 + 2
John Danby	22	19	19	-	2
*Robert Wilson	5	4 + 2	-	Refused	-
John Bickers	19	16	1	1	1
Francis Tireman	4	0 + 12	3	-	0 + 1
Francis Brunton	22	15	9	-	1
*Chris. Brunton	9	6	-	1	-
John Firby	22	14	8	1	-
*Francis Plummer	15	9 + 1	2	-	1
Timothy Hunton	13	8	5	DID NOT SERVE	
*William Aikerigge	22	13	1	-	1
*Richard Gaile	22	12	11	-	1
*Peter Wilson	17	8 + 1	3	DID NOT SERVE	
Thomas Binckes	4	2	-	DID NOT SERVE	
*Thomas Wilson	15	7	-	DID NOT SERVE	
*William Bulmer	22	9	-	DID NOT SERVE	
Thomas Carter	22	9	1	DID NOT SERVE	
*William Denton	22	9	6	DID NOT SERVE	
Francis Iles	22	9	1	1	-
Chris. Lumley	11	4	-	DID NOT SERVE	
*John Beckwith	13	4	-	2	-
*William Tanfield	11	3	-	1	-
John Mason	20	5	1	DID NOT SERVE	
*John Tanfield	22	5	-	DID NOT SERVE	
*John Wilson	7	1	-	DID NOT SERVE	
John Toes	22	3	-	DID NOT SERVE	
*Francis Beckwith	9	1	-	DID NOT SERVE	
*Christopher Kay	9	1	-	DID NOT SERVE	
*Richard Toes	15	1	-	DID NOT SERVE	
*George Dobson	22	1	-	DID NOT SERVE	
Thomas Iles Bailiff		2	-	1	- \$
Resiants					
William Routhe		9	-	-	1
Richard Danby		6	1	-	1

* = Free tenant

\$ = Overseer of highways

Additions to the 'Constable' and 'Bilawman' columns give the numbers of times tenants-to-be served when not listed or listed as resiants.

Table 26. Carthorpe constables and bilawmen 1625-35.

table are well-represented even in the fifty-per-cent sample and this could indicate a tendency for the regular jurors to serve more often. The three leading affeerors served as bilawmen, one of them twice, and the fourth served as a constable. There is no evidence of any system: none of the constables appear to have served as bilawmen the

following year and even in this small sample three men served more than once in a particular office in only eleven years.

At the Michaelmas 1626 leet Robert Wilson, a free tenant and tenant at Carthorpe, refused to be sworn as constable: he was fined ten shillings and for leaving the court early he was also fined 3s.4d. Arthur Dodisworth was elected in his place but the court ordained that Robert Wilson or his son Peter should accept the office under penalty of five pounds. At the next leet the penalty was forfeited and neither Robert nor Peter Wilson features in the later constables' lists available. This direct refusal is comparatively rare and there is little other evidence of reluctance to serve in the office of constable in the Vale of Mowbray manors in the periods studied: there are no examples of long service and the few examples of repeated service could have been substitutions for persons exempt or the result of a rota system on a small pool of men considered eligible.¹⁵⁶

We have already noted imprecision in the designation of occupations in the quarter sessions records. This imprecision extended to the jurors: the Rev. Atkinson noted that in the lists of more than 5000 North Riding jurymen who served between 1604 and 1680 a few were styled 'gentleman' but the remainder were designated 'yeoman' 'in the sense of freeholders'.¹⁵⁷ Most of these jurors, but not all, would indeed be freeholders for their attendance was demanded in 1610; but not all would be yeomen and we should therefore be suspicious about the status of the several Carthorpe

¹⁵⁶ John Reynoldson of Snape was appointed constable there in 1612; his name is deleted, marked 'stet' and an endorsement showing he was amerced twenty shillings for refusing the office is also deleted: 1/112. Joan Kent believed attempts to evade service as constables were less common than often supposed and claims about reluctance to serve were exaggerated: she found some evidence of reluctance but few recorded instances of men openly refusing to serve. But she noted that there seemed to have been widespread refusal in the North Riding, citing numerous references in Atkinson's *Quarter Sessions Records*. Almost all the examples are in the first quarter of the seventeenth century but only two occurred in the vicinity of our manors: a man refused to serve at Ainderby Myers in 1611 and Norton Conyers had no constable in 1623 (*ibid*, 1, p. 217 and 3, p. 191): Kent, *English Village Constable*, pp. 58 and 68-78.

¹⁵⁷ *Forty Years in a Moorland Parish*, pp. 295-6.

Listed Juror Afeeror Constable Bilwman

John Danby	Gentleman/ Yeoman	22	19	19	-	2
*William Denton	Gentleman/ Yeoman	22	9	6	-	-
*Richard Gaile	Gentleman/ Yeoman	22	12	11	-	1
*William Aikerigge	Yeoman	22	13	1	-	1
Richard Danby	Yeoman Resiant	6		1	-	1
*Arthur Dodisworth	Yeoman	9	7 + 11	2	0 + 1	1 + 2
*Francis Plummer	Yeoman	15	9 + 1	2	-	1
*Thomas Plummer	Yeoman	-	-	-	-	-
*John Raper	Yeoman	15	-	-	-	-
*John Tanfield	Yeoman	22	5	-	-	-
*William Tanfield	Yeoman	11	3	-	1	-
*John Wilson	Yeoman	7	1	-	-	-
*Peter Wilson	Yeoman	17	8 + 1	3	-	-
*Robert Wilson	Yeoman	5	4 + 2	-	Refused	-
*Thomas Wilson	Yeoman	15	7	-	-	-
Richard Knowles	Labourer	20	-	-	-	-

* = Free tenant

Table 27. Inhabitants of Carthorpe with known occupations and the offices they held 1625-35.

freeholders and 'yeomen' who served as quarter sessions jurors.¹⁶⁸ However, fourteenth-century statutes required these jurors to be 'most sufficient' and 'the most substantial people, the most worthy of faith' and it is assumed they had some standing in Carthorpe whatever their designation, indeed a few of their number were once or twice styled 'gentlemen' although designated 'yeomen' at other sessions.¹⁶⁹ These jurors and one labourer ordered to be whipped are listed in Table 27 which is therefore devoid of craftsmen and adds

¹⁶⁸ Campbell, *English Yeoman*, pp. 339-344; Atkinson, *Quarter Sessions Records*, 1, pp. 124 and 193; *ibid*, 2, p. 253.

¹⁶⁹ 28 Edw. I c.9 and 42 Edw. III c.11; Sir Richard Phillips, *On the Powers and Duties of Juries and on the Criminal Laws of England* (London, 1811), pp. 43-4.

little to the other similar tables.¹⁷⁰ Richard Danby's designation as a yeoman when a resident is noteworthy: his land must have been outside the manor, sublet from a manorial tenant or he had retired.

At Havering, Essex, the jurors were the 'established and economically comfortable'; at Prescott, Lancashire, they were 'well-to-do'; and at Halifax, Yorkshire, from 1626 the juries were dominated by a relatively small number of wealthy inhabitants. But at Myddle, Shropshire, the jurymen were farmers and better-off craftsmen; at Terling, Essex, whilst half were gentry, yeomen and wealthy craftsmen, the others were husbandmen, lesser craftsmen, labourers or poor; and at Highley, Shropshire, the jurymen were not necessarily the richest in the manor. Clearly the mix of juries varied and, perhaps unsurprisingly, jurors in the Vale of Mowbray manors seem to have been a blend of yeomen, husbandmen and craftsmen. The social status of constables also varied but where the rich dominated juries they were sometimes less enthusiastic about serving as constables: at Havering the proportion of craftsmen and tradesmen was a fifth in juries but a third among constables; and at Prescott whereas the yeomen and gentry took a third of the jury places they held less than a fifth of the presentment offices. At Terling the proportion of gentry, yeomen and wealthy craftsmen who served as constables was the same.¹⁷¹ Gwyneth Nair concluded that

the main criterion for elected office, whether manorial or parochial, would seem to have been settled residence in

¹⁷⁰ Atkinson, *Quarter Sessions Records*, as follows (all references to gentlemen are quoted but only the first references to yeomen; many men served several times): John Danby: 3, p. 359, and 4, pp. 40 and 178; Denton: 2, p. 108, 3, p. 111, and 4, p. 219; Gaile: 2, p. 186, and 3, p. 290; Aikerigge: 2, p. 243; Richard Danby: 3, p. 257; Dodisworth: 3, p. 348; Francis Plummer: 3, p. 329; Thomas Plummer: 2, p. 175; Raper: 3, p. 162; John Tanfield: 2, p. 128; William Tanfield: 4, p. 80; John Wilson: 2, p. 102; Peter Wilson: 4, p. 117; Robert Wilson: 3, p. 237; Thomas Wilson: 3, p. 313; and Knowles: 3, pp. 132-4.

¹⁷¹ McIntosh, 'Social Change and Tudor Manorial Leets', p. 78; *idem*, *Autonomy and Community*, p. 249; King, 'Leet Jurors and the Search for Law and Order', p. 310; Bennett, 'Enforcing the Law in Revolutionary England', pp. 82-3; Hey, *An English Rural Community*, p. 229; Wrightson and Levine, *Poverty and Piety*, p. 105; Nair, *Highley*, p. 28.

Highley rather than a simple measure of personal wealth. Indeed, the number of offices was so considerable, given the small population, that men of all classes could expect to serve regularly.¹⁷²

That was probably the case in the four North Riding villages too. The vast majority of the men in the Vale of Mowbray manors who served as constables and bilawman were tenants at the time. More particularly, they were usually drawn from those tenants who also served, both frequently and less frequently, as jurors. Almost all the constables in all four villages were tenant jurors and so were the bilawmen at Wath and Carthorpe. Despite its extension to non-jurymen at Snape and Well the post of bilawman was held by leading affeerors there. The few occupations available in manor and quarter sessions records show that gentlemen and yeomen served in both offices. And at Snape we have confirmation that craftsmen also served in both. Perhaps not unusually in small unenclosed villages the general picture appears to be that the manorial presentment jurors and officers were distributed among the classes and quite widely.¹⁷³ There is little evidence of reluctance to serve and the manorial tenants appear to have been content to take their turn.

Unlisted Persons in the Court Rolls and Parish Registers

Occasional reference has been made to persons featured in the court rolls who were apparently residents but who were not included as tenants or residents in the call lists at the time. If the resident lists were intended to record all the inhabitants not listed as tenants these persons should have been included. It was not the practice to add men to the lists at any given age and some men remained in the village unlisted well into their twenties as members of listed persons' households. There are no indications that single male servants in these households were listed, indeed there are few references to servants in the court

¹⁷² Highley, p. 74.

¹⁷³ But considerable numbers took no part and the democratic or participatory elements should not be exaggerated: K.D.M. Snell, *Annals of the Labouring Poor: Social Change and Agrarian England 1660-1900* (Cambridge, 1985), p. 107.

rolls at all. The absence of women from the resiant lists has already been noted. It follows that the lists were not intended to include all adults: the names we have were those of tenants, whether resident in the village or not and including females, with male heads of households who were not tenants added as resiants to complete the record. It is the omission of male heads of households from the lists which is notable, not the oversights rectified by the new steward but the apparently deliberate exclusions of men who would have been included had it been intended that the lists should be complete.¹⁷⁴

Between Michaelmas 1614, when the new steward started resiant lists, and Michaelmas 1621 fifty-six men were mentioned in the verdicts or pleas when not listed in the Snape call lists; ten had been or were to be listed as tenants or resiants but the others were not listed at all. In many cases they could have been outsiders and in others there is no reason to believe they were heads of households. Fourteen were the perpetrators or victims of affrays and assaults who need not necessarily have hailed from Snape, although five shared surnames with Snape resiants or tenants and may have been members of their households.¹⁷⁵ Nine others merely took wood or nuts and could have been from outside the village although two had Snape surnames: the penalties imposed on the culprits with village surnames were lower which could indicate residence in village households.¹⁷⁶ Two more sued villagers in the court baron and

¹⁷⁴ The period before the new steward's corrections will be ignored in the exploration of unlisted men which follows.

¹⁷⁵ (* = surname shared) Oswald Applebie: 1/167; Francis Atkinson*: 1/139; Christopher Bolton: 1/115; James Dobbie*: 1/144; James Furbank: 3/43; Marmaduke Grene: 1/115; Henry Lowson: 1/170; John Mounon*: 1/170; Thomas Flewes: 1/115, sued 1/159 (7.1.1618/19); Ralph Rookbie*: 1/130; Arthur Snelgate: 1/172; William Thomson*: 1/164, baptized W1/f.4v; Henry Trotter: 1/167; and Lionel Vittie: 1/164.

¹⁷⁶ (* = Snape surname, # = Well surname) Simon Blakelock*: 1/152 (5.3.1617/18) no penalty entered; John Clayton: 1/167, 8d; Richard Cleveland: 1/115, 2s.0d; George Coates: 1/115, 3s.4d; John Danby: 1/115, 12d; Robert Danby: 1/115, 12d; William Freare#: 1/115, 4d; Edward Holtbie: 3/67, no penalty entered; and George Stoute*: 1/133 (8.2.1615/16), 3d. Danby has been treated as not a village surname notwithstanding the presence of the free-tenant Danbys at Thorpe Perrow.

therefore could have been non-residents.¹⁷⁷ Another two were said to be 'of Watlass'.¹⁷⁸ Yet another probably lived in Well.¹⁷⁹ Several more were probably members of listed persons' households.¹⁸⁰ Three were jurors in the court baron once each but they did not appear in the rolls otherwise and there were persons in Snape with the same surnames with whom they could have resided.¹⁸¹ An inmate would also live in another household as perhaps would the only male servant at Snape mentioned in the rolls.¹⁸² In some of these cases we can be sure the men lived out of Snape or lived in Snape in others' households. In other cases the evidence is less certain but it

¹⁷⁷ Christopher Lascelles: 1/144, 1/167, 1/168 (1.6.1620), 1/169 (3.8.1620), 1/174 and 1/177; Thomas Saville: 1/121 (13.1.1614/15), 1/122, 1/131, 1/147, 1/153-4.

¹⁷⁸ Christopher Forman: 1/167; and John Clapham: 1/162 (29.4.1619 and 20.5.1619 when he claimed stray sheep) It has been assumed that the John Clapham 'junior' and 'younger' entries at every leet from Michaelmas 1614 to Easter 1619 except Michaelmas 1615 and some courts baron in the same period refer to this man: the 'junior' and 'younger' entries cease when the 'of Watlous' entries start.

¹⁷⁹ George Lumley was sued with his wife because she had called the wife of a Well tenant 'a common whore' and 'a wiche' and the following year he was amerced with inhabitants of Well where there were other Lumleys: 3/43, 1/162 (29.4.1619) and 1/167.

¹⁸⁰ Richard Dobbie and Richard Fleeminge have already been noted as probably living with their father and mother respectively. Francis Crowe could have been with his brother Thomas: 1/163, 1/165, 1/170 and 3/75. George and Richard Place, Richard Pratt and John Saville were probably living with their fathers and they were then twenty-two, twenty-five, twenty-three and twenty-seven years of age respectively: George Place: 1/155 (25.6.1618 pleas mention relationship), 1/164, 1/167, 3/82-3 and W1/f.4v; Richard Place was probably the son of John Place, blacksmith, for he was baptized thirty months after John's marriage and was himself a blacksmith: 1/164, 1/167, 1/170, W1/f.4 and W1/f.23; Richard Pratt was probably the son of William Pratt whose other children were baptized at that time: 1/119 and W1/f.3v; John Saville: 3/38, 1/167, 1/170 and W1/f.3v. George Crowe, a ploughsmith and wheelright was perhaps related to and lived in the household of Thomas Crowe, who also seems to have been a wheelright: George: 1/153-4, 1/167 and 1/170, and Thomas: 1/139, 1/147 and 1/166 (sued for 'spoakes', 'wood and materials' and 'wood'). William Franck was perhaps the son of the tenant Mark Franck: he would then have been approaching his ninth birthday: 1/155 (25.6.1618) and W1/f.7.

¹⁸¹ Edward Buck: 1/134; William Lambert: 1/162 (20.5.1619); and Francis Lund: 1/128.

¹⁸² Christopher Wetherill: 1/130; and John Harrison: 1/158. Harrison could have been one of the two listed tenants of that name.

appears probable that the men concerned were not heads of households in Snape.

In the fourteen cases remaining unlisted residence in Snape seems probable or almost certain. James Tennant's three appearances as a court-baron defendant included one in 1617 where the plaintiff was Thomas Page, an outsider who sued many villagers who had failed to pay for cloth.¹⁸³ Thomas Yeates ceased to be listed as a tenant after the Easter court in 1620 yet he was described as a yeoman when amerced for bowling at the next leet. He continued suing in the court baron thereafter and seems to have remained in the village.¹⁸⁴ Marmaduke Franck was involved in an affray but he also sued in the court baron four years later and had two children baptized in the parish within five years.¹⁸⁵ There were no resiant lists when George Dent sued in 1611 and was described as 'of Snape' but he sued twice in 1617 when he was still unlisted, not proof that he was still in the village but there must be doubt about whether he had gone.¹⁸⁶ Peter Spooner and George Stele were mentioned only in the court-baron records and only during the six months before their addition to the resiant lists: if they were resident then they were omitted from only one call list.¹⁸⁷ Richard Nutter was not listed at

¹⁸³ Tennant's residence in Snape before he became a tenant in 1619 is confirmed by his marriage and two baptisms: 1/140 (31.10.1616), 1/150 (30.10.1617), W1/f.25, W1/f.8v and W1/f.9. Between November 1615 (1/132) and January 1620/21 (1/172) Thomas Page sued fifteen times, five of which were to recover debts incurred for cloth. His place of residence is not given but he is mentioned nowhere else in the records and was clearly an outsider.

¹⁸⁴ Yeates could have been a village elder who had retired: he had been a regular presentment and civil juror and he acted as an arbiter at least four times: 1/170 (verdict and pleas), 1/173, 1/178. He served on fourteen of the thirty-four civil juries while he was listed (41.2%), a greater proportion than the most frequent civil juror John Cole who served on sixteen of forty juries (40.0%). Arbiter: 1/139, 1/147, 1/150 (30.10.1617) and 1/151 (12.2.1617/18). He could have been recently widowed: an Elizabeth Yeates was buried 15.2.1616/17: W1/f.40v. He was succeeded as a tenant by Edward Holtbie but there is no evidence of any relationship.

¹⁸⁵ 1/144, 1/174 (pleas), W1/f.8v and W1/f.10.

¹⁸⁶ 1/106, 1/144 and 1/146 (3.7.1717).

¹⁸⁷ Spooner: 1/164 (pleas) and 3/75; Stele: 1/117 (juror), 1/118, 1/120 and 1/123.

the Easter 1617 court but he was sued at that court by an outsider: he was buried four months later so he was not resident unlisted for long.¹⁸⁸ If the clerk was slow to add Spooner, Stele and Nutter to the lists then he was quick to remove William Kay: he was deleted from the call roll and omitted from the call list at the court at which he was amerced for taking firewood although he was not buried until a week later.¹⁸⁹ John Franklin, the 'receiver and senechal' and 'steward' who sued so often in the name of the lord and who may have been deputy to the steward Thomas Ascough, was never added to the lists and if he was resident there he was no doubt omitted as a servant of the lord.¹⁹⁰ Edward Greneson was listed as a resident only in 1617 but in 1615/16 he was said to be of Snape when allowed forty shillings by the quarter sessions for loss by fire and he was buried in the parish in 1622.¹⁹¹ The indications of the probable residence of George Harrison are stronger: in eight years he was involved in three affrays, was amerced for bowling twice, kept geese against a pain, sued in the court baron four times and was sued himself four times. It is difficult to conceive of an outsider being involved in such a variety of matters and the parish registers support probable residence.¹⁹² Thomas Emott and John Gayle were undersettles not listed when other undersettles had been listed. Emott's undersettle reference was deleted, he had been married in the parish five years before, he had three children baptized there and one buried over nineteen years, and the evidence of residence seems clear. Gayle was amerced for hedge-breaking and sued four times for debt in the four

¹⁸⁸ 1/144 and W1/f.40v.

¹⁸⁹ 1/144, 3/43 and W1/f.40v.

¹⁹⁰ Franklin was married and had two children baptized in the parish: W1/f.25v, W1/f.8v and W1/f.10.

¹⁹¹ 1/110 (Well verdict), 1/113, 1/115, 3/46, NYCRO/QSM/2 (12.1.1615/16 in name 'Grewson') and W1/f.40v.

¹⁹² Verdicts: 3/43, 1/119, 3/82 and 1/170; pleas: 1/120, brother mentioned in Place v Bucke 1/151 (12.1.1717/18), 1/162 (20.5.1619), 3/76, 1/169 (13.7.1620) and 1/178 (11.8.1621 and 30.6.1621); W1/f.25v, W1/f.4v, W1/f.6, W1/f.9, W1/f.40v, W1/f.12 and W1/f.43. The entries have been treated as if they related to one man but George the son of George was baptized in 1599 and would have been old enough to marry in 1618 and have his daughter baptized in 1618/19 and buried in 1619 in which case there would have been two unlisted George Harrisons in Snape.

months after he was declared an undersettle but he might not have been resident long enough to be listed.¹³³ It would seem that Robert Greneson, who sued twice in 1614 for pay, remained in or about the village unlisted for widow Fridgley was amerced in 1616 for harbouring his wife, probably during her confinement for their child was baptized less than two weeks later.¹³⁴ It is perhaps significant that Emott and Gayle were declared undersettles and widow Fridgley was accused of harbouring Robert Greneson's wife. Gayle was a hedgebreaker and debtor who seems to have moved, or been moved, on quickly. Emmot remained in the village several years but he was not added to the resiant lists. It appears they were not accepted in the village. George Harrison's behaviour could explain why he too was unlisted for several years. But the inclusion of some undersettles in the lists, shows that men who remained in the village long enough could be recognized formally in due course.

Consideration of these men who appeared in the rolls when they were not listed has shown that some lived elsewhere, some committed offences which could have been committed by outsiders and some could have been outsiders appearing in the court baron. Others were probably members of listed persons' households. But in a few cases there is evidence, rarely conclusive but stronger in some cases than in others, of unlisted residence. Not all these men were present in the village throughout the period studied, indeed some of them were omitted from only one call list, and the periods of their unlisted residence as indicated by the rolls are given in Table 28. Some of the men could have been resident unlisted longer, some of the men omitted from the table should perhaps have been included and some unlisted residents may not have appeared in the verdicts and pleas: the figures should be treated with caution and as the minimum numbers of unlisted heads of households in Snape. Nevertheless the impression gained from this exploration of unlisted men appearing in the court rolls is that at any given time there were few male household heads who were not included in the call lists for the village.

¹³³ Emott: 3/49, W1/f.24v, W1/f.7, W1/f.8 and W1/f.8v; and Gayle: 1/153-4, 1/155 (4.6.1618), 1/156 (16.7.1618) and 1/156 (6.8.1618).

¹³⁴ 3/43, 1/121 (9.12.1614), 1/139 and W1/f.8v.

	1614	1615	1616	1617	1618	1619	1620	1621								
James Tennant			U	U	U	U	U	U	t	t	t	t	t			
Thomas Yeates	t	t	t	t	t	t	t	t	t	t	U	U	U			
Marmaduke Franck						U	U	U	U	U	U	U	U			
George Dent		U	U	U	U	U										
Peter Spooner									U	r	t	t	t			
George Steele		U	r	r												
Richard Nutter													U			
William Kay	t	t	t	t	t	t	U									
John Franklin	U	U	U	U	U	U	U	U	U	U	U	U	U			
Edward Greneson	U	U	U	U	U	U	U	U	U	r	U	U	U			
George Harrison	U	U	U	U	U	U	U	U	U	U	U	U	U			
Thomas Emott		U	U	U	U	U	U	U	U	U	U	U	U			
John Gayle									U							
Robert Greneson	U	U	U	U	U											
Totals	6	6	7	7	7	9	6	7	6	6	5	5	6	6	6	6.3

U = Probable unlisted residence

t = tenant

r = resiant

Table 28. Men mentioned in the court rolls who were probably resident unlisted at Snape 1614-21.

At Well the pattern was much the same. Of the thirty-nine unlisted men mentioned in the verdicts and pleas twenty-one need not have been heads of households in the village.¹²⁵ But residence unlisted must be suspected in eight cases and in ten more it appears very probable or certain. They include the vicar, another cleric and perhaps two of the lord's servants.¹²⁶ Four of the others

¹²⁵ The men who could have been resident in others households included men aged from nineteen to thirty-four years; Christopher Badforth: 1/113, 1/157 and W1/f.3v; Thomas Bridgewater: 1/110, 1/115, 1/144, 1/157 and W1/f.4; Francis Gibson: 1/110 (Snape verdict), 1/113 (Snape verdict), 3/44, 1/167 (Snape verdict) and W1/f.3; and Richard Tipping: 1/157 and W1/f.4v.

¹²⁶ Robert Milner was vicar from 1608 to 1634: W1/f.6v, W1/f.20v, and Horsfall, *Manor of Well and Snape*, p. 109. His regular appearances included an affray blood: 1/164 (verdict). Also see: W1/f.24v, W1/f.7 (2), W1/f.7v, W1/f.8, W1/f.8v and W1/f.9. John Bayne was buried in 1616 when he was described as 'clericus': 1/127, 3/52, W1/f.5, W1/f.6v and W1/f.40. Horsfall listed Baine as a parish clerk but noted that *clericus* could indicate he may (Continued ...)

are noteworthy. William Proctor's house is mentioned and it was perhaps in the woods outside the village.¹⁹⁷ The gentleman William Hargraves 'of Well', who was the victim of a riot and assault and whose children were recusants, was amerced twice and sued or was sued eleven times: he failed to repair fences and sued for agistment debts. He clearly had land but he was not listed as a tenant of the manor or the hospital, or as a resident. Whether there was a connection between the recusancy and the assault, and even with the omission from the call lists, can only be a matter of conjecture.¹⁹⁸ Richard Emmot and George Robinson were each amerced several times and in each case a presentment described them as being 'of Well', indeed Emmot had witnessed vicars' inductions in 1599 and 1608 and when buried in 1625 was master of the hospital.¹⁹⁹ The mean number given in Table 29, which lists these men and the others unlisted but resident, is a little higher than in the equivalent table for

¹⁹⁶ Continued ...) have been in Holy Orders and his probable exemption seems to indicate Horsfall was right to be doubtful about his interpretation: *Manor of Well and Snape*, p. 171. A 1615/16 presentment begins 'I Christopher Marshall doe hereby present': 3/56; a similar presentment in 1620 is entitled 'Presentmente by the keper of the lowe Parke': 3/86. Marmaduke Gill was tenant of the mill at Snape only from 1621 but he had no less than twelve children baptized in the parish. He employed a miller, a recusant, in 1624 and he himself could have been employed by the miller from whom he took over the mill: 1/109, 3/37, 1/131, 1/136, 1/139 and 1/147; baptisms from 2.8.1601 (W1/f.5) to 19.5.1621 (W1/f.9v); Atkinson, *Quarter Sessions Records*, 3, p. 216.

¹⁹⁷ The document mentioning William Proctor's house is entitled 'Presentmente by the keper of the lowe Parke for trespasses donne within Low woods' which suggests his house was in Low Park Wood: 3/86. For Proctor also see 1/174 (Snape verdict and pleas), W1/f.9. W1/f.9v and W1/f.40v. For Low Park and Low Park Wood see Horsfall, *Manor of Well and Snape*, pp. 4 and 249.

¹⁹⁸ 1/164 (verdict), 3/75, 1/166 (3.2.1619/20), 1/167 (pleas), 1/168 (1.6.1620), 1/170 (verdict and pleas), 1/171 (23.11.1620 and 13.12.1620), and Atkinson, *Quarter Sessions Records*, 2, pp. 250-1. There was little recusancy in the parishes of Well, Burneston and Wath: Aveling, *Northern Catholics*, pp. 432 and 434.

¹⁹⁹ Emmot: 1/105, 1/113, 1/147, 1/161, W1/f.5, W1/f.6v and W1/f.42 (Emmot is not included in the masters of the hospital at Horsfall, *Manor of Well and Snape*, pp. 187-93); Robinson: 3/44, 3/46, 1/125 (Snape and Well verdicts), 3/47, 3/57, 1/143, 1/167, 1/170 (Snape verdict), W1/f.10, W1/f.11 and W1/f.12.

	1614	1615	1616	1617	1618	1619	1620	1621								
Robert Milner	U	U	U	U	U	U	U	U	U							
John Bayne	U	U	U	U	U											
Chris. Marshall			U													
Marmaduke Gill	U	U	U	U	U	U	U	U	t							
William Proctor						U	U	U	U							
William Hargraves						U	U	U								
Richard Emmot	U	U	U	U	U	U	U	U	U							
George Robinson	U	U	U	U	U	U	U	U	U							
Robert Alexander					U	U	U	U	U							
John Allanson	t	t	t	t	U	U	U	U	U							
Chris. Bridgewater		U	U	U	U	U	U	U	U							
Lancelot Brown	t	t	U													
John Fox	U	U														
Len. Hunter sen	U	U	t	t	t	t	t	t	t							
Ed. Hutchinson	t	t	t	t	t	U	U	U	U							
William Lowson		U	U	U	U	U	U	U	U							
George Richardson	U	U	U	U	U											
Edward Scurrey					U	U	U	U	U							
Totals	8	8	8	10	8	8	10	10	10	11	12	12	12	10	7	Mean
																9.6

U = Probable unlisted residence t = tenant

Table 29. Men mentioned in the court rolls who were probably resident unlisted at Well 1614-21.

Snape.²⁰⁰ The table should be treated with the same caution.

Nevertheless it gives the same impression: only a few male heads of households were not included in the call lists for Well at any time.

²⁰⁰ The references for the other men in the table are Alexander: 1/147, 1/174 and NYCRO/QSM/2/10.10.1620 and W1/f.10v; Allanson: 1/125 (verdict mentions son Thomas), 1/166 (13.1.1619/20), 3/85 (essoin for John Reynardson) and W1/f.1v (John Bird alias Allonson); Bridgewater: 1/167 (Snape verdict), W1/f.25, W1/f.8v, W1/f.9v, W1/f.11, W1/f.11v, W1/f.12v, W1/f.40v, W1/f.41 and W1/f.42; Brown: already noted as an unlisted presentment juror probably living with his son; Fox: 1/113, 1/115 (Snape verdict), 1/116, 3/46, 1/125, W1/f.25 and W1/f.8; Hunter appeared during a four-court break probably a symptom of the deficient lists rather than evidence of non-residence: 1/111 ('of Well'), 1/115 (juror and Snape verdict), 1/119 (juror and verdict) and 1/125; Hutchinson: 1/147, 1/167, 1/168 (11.5.1620), 1/174 (Snape verdict) and W1/f.2v; Lowson: 1/147, 1/171 (23.11.1620), W1/f.8, W1/f.9v, W1/f.10v, W1/f.12, W1/f.25 and W1/f.43; Richardson: 1/110, 1/113, 3/44, 3/47, 1/130, 3/52, 3/57, 1/144, 1/147 (Snape verdict) and Atkinson, *Quarter Sessions Records*, 1, p. 212; Scurrey: 1/161, 1/164, W1/f.8v and W1/f.9v.

With one exception the men who were not exempt and not ex-tenants seem to have been much the same as their opposite numbers at Snape: none were harboured or declared undersettles but they appeared in the manorial court for similar petty offences and suits. There is a hint in one case of residence out of the village. The exception, William Hargraves was the victim of a serious assault by eight villagers and the father of three recusant children. If there was reluctance to accept the other households formally then it may well have extended to Hargraves despite his social status.

Concentration on male heads of households has removed the need to take account of three of the four categories of persons not adequately covered by manorial records: women, the young and servants. But no account has been taken of the well-behaved. The court leet handled a wide range of petty offences and civil disputes and any man listed for some little time seems to have appeared before the court sooner or later: most men had a little land or kept animals on the common land and were therefore subject to the manorial pains; innocent men are often named in the rolls as victims, witnesses or neighbours; and the villagers were also litigious and even the poorest sometimes found it necessary to sue. The opportunities for being mentioned in the rolls were many and varied and they were perhaps greater for unlisted men: outsiders were perhaps more likely to be prosecuted.²⁰¹ But it is possible that a well-behaved man, perhaps with little or no land or no animals, could escape the ambit of the court. Few resident as heads of households for any time could escape the parish registers and they have been used as a means of checking the numbers of unlisted persons derived from the verdicts and pleas. The results are given in Table 30. Of 211 fathers named in 247 baptisms between 1611 and 1621 only ten never featured in the call lists or otherwise in the court rolls. Not all these men need have been resident in the manor for they had only one child baptized each and they could have been transients or men with Snape or Well connections but from neighbouring villages: one lived at Tanfield, six had surnames common in Snape or Well and three seem to have been

²⁰¹ Sharpe, *Crime in Early Modern England*, p. 82.

	Baptisms (fathers)	Burials (fathers and husbands)	Marriages (grooms)
Listed tenants	110 (52.1%)	33 (60.0%)	22 (38.6%)
Listed resiants	40 (19.0%)	12 (21.8%)	8 (14.0%)
Unlisted but mentioned in rolls	51 (24.2%)	10 (18.2%)	11 (19.3%)
Unlisted and not mentioned in rolls	10 (4.7%)	-	16 (28.1%)
Totals	211	55	57

Table 30. The call-list status of men named in Well parish registers
1611-21.

complete strangers to the manor.²⁰² Fifty-five of 191 burial entries name the father or husband of the child or wife buried and all these fathers and husbands appeared in the call lists or elsewhere in the court rolls.²⁰³ Of fifty-seven marriages only sixteen were of unlisted grooms not otherwise mentioned in the rolls and fourteen of these involved at least one party with a surname known in Snape or Well: most were probably the offspring of, or were marrying the

²⁰² (* = surnames not otherwise recorded in Snape or Well) Laurence Brown, John Focard*, Martin Frank and William Tippin: W1/f.7v; Edward Allinson and Robert Kagell*: W1/f.8; Francis Scurrey: W1/f.8v; William Lowfax* and William Wawburne: W1/f.9; and Thomas Scotton [Scotson] W1/f.9v. The absence of fathers' names in thirty-six entries will have had a minimal effect on the conclusions drawn. Three were the illegitimate children of named mothers, one given an alias was no doubt illegitimate but no parent is named, and twenty-nine bore the same surname as fathers named in other baptisms. Most, if not all, of these baptisms would be the children of men who had other children baptized in the period. In only three cases is the surname not mentioned in other baptisms and in one of these cases the surname was known in Well.

²⁰³ Fathers and husbands were used because burial entries with a single name could be an adult or a child. Of the 189 surnames in burial entries only eight (4.2%) were foreign to Snape and Well: like 'John olde man of Midlam' and 'Thomas a younge childe of a stranger borne at Snape' they could have been transients: W1/f.40.

	1625	1626	1627	1628	1629	1630	1631	1632	1633	1634	1635
Hugh Bagguley	U	U U	U U	U U	U U	U U	U U	U U	U U	U U	U U
Geo. Bagguley											U
William Best									U U	U U	U U
Anthony Harrison	r r	r r	U U	U U	U U	U U	U U	U U	U U	U U	U U
Geo. Harrison									U U	U U	r t t
Thomas Wilkinson		U	U r	U U	U U	U U	U U	U U	U U	U U	U
Totals	1	1 2	2 1	3 3	3 3	3 3	3 3	3 3	5 5	5 5	4 3 2
											(Mean: 3.0)

U = Probable unlisted residence

t = tenant

r = resiant

Table 31. Men mentioned in the court rolls who were probably resident unlisted at Wath 1625-35.

offspring of, persons covered by the rolls. Only two weddings (3.5%) involved grooms and brides with no apparent village connections and perhaps they were servants.²⁰⁴ Table 30 seems to confirm that a high proportion of unlisted married men would be mentioned in the rolls sooner or later if they remained in the manor. The registers have produced no firm evidence of unlisted heads of households not mentioned in the verdicts and pleas and nothing to cast doubt on the general picture painted by the survey of unlisted men not mentioned in the rolls.

At Wath twenty-four unlisted men appeared in the verdicts and pains between 1625 and 1635 but eighteen of these are not likely to have been heads of households in the village.²⁰⁵ The six certainly or probably in Wath unlisted include the vicar and another cleric.²⁰⁶ Table 31 confirms the impression gained in the

²⁰⁴ Watson: Wordington: W1/f.25; and Appleton: Goure: W1/f.25v.

²⁰⁵ They include a man in his twenties probably living with his widowed mother; Richard Simpson: 14.4.1629, 14.10.1629, 13.10.1630, baptized between 1602 and 1608 (the date on the flyleaf of the Wath register is incomplete but the other entries indicate this range).

²⁰⁶ Hugh Bagguley, clerk, is mentioned regularly throughout the court book, not only because Thomas Jackson failed to produce the survey book to him: he had several pieces of land where (Continued ...

other manor: at any given time there were few male heads of households who were not included in the call lists for the village.²⁰⁷ The impression that few were omitted from the lists is confirmed by examination of the women not listed by the steward: we have seen he had no hesitation about enrolling women as resiants yet only one, who committed a breach of the assize of ale between resiant listings, was probably resident unlisted.²⁰⁸

For more than half of the forty-six unlisted men who appeared in the Carthorpe juries' verdicts and pains there is no evidence that they are likely to have been heads of households in the village.²⁰⁹ Some were guilty only of agricultural offences which could have been committed by sub-tenants resident elsewhere, another reason for suspecting non-residence. The seventeen heads of

²⁰⁶ Continued ...) he kept unringed pigs and failed to maintain fences and ditches but he was not listed as a tenant. Following his death in 1635 George Bagguley, clerk, was also amerced for keeping unringed pigs and he seems to have taken Hugh's place in residence at Wath. Hugh: 10.4.1626, 4.10.1626, 5.5.1627 (jury finding), 3.10.1627, 16.4.1628, 14.4.1629 (jury finding), 14.10.1629, 31.3.1630 (pain), 13.10.1630, 11.10.1631, 11.4.1632 (pain), 4.10.1634 and 7.10.1635 ('deceased'); and George: 7.10.1635.

²⁰⁷ The references for the other men in the table are Best: 9.10.1632, 9.10.1633, 9.4.1634 and 7.10.1635 (verdict and jury); Anthony Harrison: 4.10.1634 and 31.3.1635; George Harrison: 9.10.1632 (constable), 15.3.1633 (pleas) and 9.4.1634 (pain); Wilkinson: 10.4.1626, 13.5.1626, 19.3.1630, 9.10.1632, 4.10.1634 (surety) and 13.12.1634 (surety).

²⁰⁸ Dorothy Simpson, 9.4.1634. The Wath parish registers could not be used as a means of checking the numbers of unlisted persons derived from the manorial records: the registers cover other villages and in the period of the court book only six entries give residence, none of them Wath.

²⁰⁹ They included men aged twenty-two and twenty-four years probably living with their mothers; Timothy Hunton: 20.4.1625 and B/25.8.1605; Francis Tierman: 3.10.1627, 4.10.1628, 13.10.1630, 9.10.1632, 7.10.1635 and B/30.11.1603. The call lists and parish registers show that Stephen Smith and George Scruton who committed affrays lived at Exelby and Burneston respectively thus providing confirmation of the assumption that such offenders could be outsiders: Smith: 31.3.1630 and 9.10.1632 (Exelby call list); and Scruton: 25.10.1625 and B/2.7.1628, B/13.11.1632 and B/14.8.1636 (all baptisms).

households who were not listed included the bailiff.²¹⁰ Two of the others were 'sworn' as resiants with two other men at the same court which would appear to indicate a deliberate decision to accept their resiancy.²¹¹ It is clear from Table 32 that there were more men resident unlisted in Carthorpe than there were in Wath.²¹² This was also true of unlisted women: the steward of the West Tanfield court accepted female resiants but only one Carthorpe woman appeared in the village resiant lists.²¹³ We do not have to look far for possible

²¹⁰ Thomas Iles served as bailiff from 1625 until his death and was no doubt omitted from the lists as a servant of the lord: 20.4.1625 (elected bailiff), 4.10.1628 (elected constable and overseer mentioned in verdict), and B/26.3.1630/1 ('of Cath').

²¹¹ Christopher Toes: 28.3.1627 (pleas), 14.10.1629 (first listed) and B/16.2.1625/6 ('of Cathrop'); John Thomlinson: 4.10.1626, 28.3.1627, 4.10.1628, 14.10.1629 (first listed) and 8.11.1628 ('of Cathrop'); they were 'sworn' resiants with Francis Beckwith and George Walker.

²¹² The references for the other men in the table are Baker: 10.4.1626, 28.3.1627, 3.10.1627, 6.5.1633, 9.4.1634 and 7.10.1635; Bickers: 4.10.1626, 28.3.1627 (pleas), 9.10.1632, 9.4.1634 and B/6.8.1633 ('of Cathrop'); Brunton: 7.10.1635 and B/8.5.1635 ('of Carth'); Burne: seventeen offences between 20.4.1625 and 31.3.1635, 21.6.1634, B/16.10.1627 ('of Cathrop'), B/24.10.1632 ('of Cath') and B/16.12.1636 ('of Cath'); Carter served five times as a presentment juror between 10.4.1626 and 9.10.1632, 11.10.1631, 9.4.1634, B/24.11.1627 ('of Cath') and B/26.8.1632; Firby: 9.10.1633 (bilawman), 11.10.1631, 31.3.1635 (first listed), B/22.4.1632 ('of Cath') and B/13.11.1634; Knowles: Atkinson, *Quarter Sessions Records*, 3, pp. 132-4; B/29.3.1572 (baptism), B/20.6.1598, B/15.8.1600 or 1601 and B/6.12.1615 (marriages), 20.4.1625 and 10.4.1626 (first listed); Lee: B/11.5.1633 (marriage), B/18.2.1633/4 and 9.4.1634; Mason appeared at six leets between 20.4.1625 and 9.4.1634, 20.4.1625 (pleas), 21.5.1625 (pleas), Atkinson, *Quarter Sessions Records*, 2, p. 209, and *idem*, 3, pp. 132-4; Routhe: 3.10.1627, 16.4.1628 (first listed) and B/10.7.1627 ('of Cathropp'); Christopher Smorthwaite: 20.4.1625, B/3.9.1625 ('of Cath'), B/28.4.1628 ('of Carth') and B/25.11.1633; Marmaduke Thomlinson: 9.4.1634 and B/14.3.1629/30 ('of Cath'); William Toes: 9.10.1633 and B/26.10.1631; and Wilson: B/14.12.1603, 31.3.1630, 6.5.1633 (victim), 9.10.1633 (pain), and 9.4.1634.

²¹³ Margaret Hutchinson, 28.3.1627 to 4.10.1628. Two of the women mentioned in the verdicts were specifically said to be of Carthorpe and the nature or quantity of offences committed by two more indicate probable residence but they were not listed: Effama Thomlinson: 31.3.1630 and B/?2.1634/5 (baptism, 'of Cath'); Ellen Bayne: 10.4.1626 and B/10.7.1635 (burial, 'of Cathrop'); Margaret Thomlinson: 7.10.1635, 10.4.1626, 9.10.1633, 9.4.1634, 4.10.1634 and 31.3.1635; and Emmotte Toes: was amerced for hedge-breaking eleven times between 10.4.1626 and 31.3.1635.

	1625	1626	1627	1628	1629	1630	1631	1632	1633	1634	1635
Thomas Iles	U	U U	U U	U U	U U	U U	U U	U			
Chris. Toes		U	U U	U U	U U	r r	r r	r r	r r	r r	r
J. Thomlinson			U U	U U	U U	r r	r r	r r	r r	r r	r
Robert Baker		U	U U	U U	U U	U U	U U	U U	U U	U U	U
Thomas Bickers			U U	U U	U U	U U	U U	U U			
Richd Brunton											U U
Thomas Burne	U	U U	U U	U U	U U	U U	U U	U U	U U	U U	U U
Thomas Carter jun		U	U U	U U	U U	U U	U U	U U	U U	U U	U
Chris. Firby								U U	U U	U U	U r
Richd Knowles	U	U t	t t	t t	t t	t t	t t	t t	t t	t t	t t
George Lee										U	
Ralph Mason	U	U U	U U	U							
William Routhe				U r	r r	r r	r r	r r	r r	r r	r r
C. Smorthwaite	U	U U	U U	U U	U U	U U	U U	U U	U U	U	
M. Thomlinson					U	U U	U U	U U	U U	U U	
William Toes								U U	U U	U	
John Wilson	t	t t	t t	t t	U U	U U	U U	U U	U U	U	
Totals	5	5 7	9 9	10 8	9 10	8 8	8 7	9 9	9 9	8 6	4 4 4

(Mean: 7.5)

U = Probable unlisted residence

t = tenant

r = resiant

Table 32. Men mentioned in the court rolls who were probably resident unlisted at Carthorpe 1625-35.

reasons for reluctance to accept some of the men not added to the lists or added only after a period of unlisted residence. In eleven years Thomas Burne was presented for three affrays and assaults, two rescues, taking wood or breaking hedges seven times, and abusing the common twice. He was sued for debt four times and his wife was declared a scold. Robert Baker and his family were regular hedgebreakers. Thomas Bickers broke the pound, committed an assault and encroached. Ralph Mason was a thief: in addition to many other offences he took fences 'by night and day', carried off 'John Danby's rayle' and at the quarter sessions he appeared for stealing a lamb and was ordered to be whipped. These men were not listed during the time of the court book.²¹⁴

²¹⁴ For references see above.

Of the thirty fathers named in the fifty-three Carthorpe baptisms in the Burneston registers for the period covered by the court book only two (6.7%) were not listed or otherwise mentioned in the book. They had one child baptized each, one had a surname foreign to the village and they need not have been residents.²¹⁵ The three Carthorpe husbands or fathers named in burial entries proved to be listed tenants. What evidence we have does not contradict the finding at Well that few men appear in the parish registers who do not appear in the court records.²¹⁶

This survey of unlisted potential heads of households has shown that men resident in each of the four villages were nevertheless omitted from the resiant lists. Some were exempt but most should have been included if the lists were intended to cover non-exempt households. Some were excluded briefly but others for some years and at any given time not more than a dozen men in each village were not being treated as resiants by the courts leet. Etymologically the words 'resiant' and 'resident' mean the same, the one being an archaic form of the other, and both meaning a permanent inhabitant. Giles Jacob wrote that *resiance* 'Signifies a Man's Abode or Continuance whence comes the participle *Resiant*, and that is continually dwelling or abiding in any Place; and is all one with *Residence*.' And he defined resiant rolls as 'Rolls containing the *Resiants*, Names of a Tithing, &c, which are to be called over by the Steward on holding Courts Leet.' He himself once treated the words as interchangeable: in his guide to stewards an entry about 'resients' defaulting appears against the heading 'residents' in the margin.²¹⁷ No doubt the need for a resiant to be 'continually dwelling' in a place stemmed from the requirement under the frankpledge system that

²¹⁵ Thomas Aikers (foreign surname): B/18.9.1634; George Raper: B/30.11.1635.

²¹⁶ Evidence of residence is wanting for almost half the baptisms, few of the burials name husbands or fathers and even fewer also give the village, and residence is not given in the marriage entries.

²¹⁷ *New Law-Dictionary*, 'Resiance' and 'Resiant Rolls': he went on to declare that 'Custom ties [*resiance*] only to Persons *Ecclesiastical*' but that would not appear to be relevant in the present lay context; *Complete Court-Keeper*, p. 81, but cf. pp. 118 and 127 for similar entries where 'resients' is used both in the margin and the text.

every man resident for a year and a day should have been a member of a tithing. But we have seen examples of men 'continually dwelling' in the villages for several years who were nonetheless not included in resiant lists.

In 1611 the jury found that Richard Fridgeley had 'erected a house and encroached the soil on the waste of the lord ... in the town street of Snape and it occupied throughout five years ... without rent therefore it is considered by the court that he owed to pay for the domicile, cottage and croft by the year.' Fridgeley was not added to the tenant list which raises the possibility that men with only a cottage and a toft or croft were treated not as tenants but as resiants: unfortunately there were no resiant lists at the time and Fridgeley was buried before they were introduced.²¹⁹ But later evidence shows that resiants and unlisted residents alike occupied tofts and crofts and farmed in a small way so the differentiation between them cannot have been on that account.²¹⁹ If

²¹⁹ 1.10.1611 and W1/f.39v. A toft was an enclosure of varying size on which each cottage stood and should be differentiated from the croft or long narrow enclosure usually under pasture which stretched to the rear of the toft: Atkinson, *Quarter Sessions Records*, 2, p. 53. George Locke was included in the Easter 1612 Well presentment for 'incroshinge the comon upon Well grene and erecting howse': no penalty is entered, he does not appear in the verdict and he is not to be found elsewhere in the court records: 3/35.

²¹⁹ References to resiants failing to scour ditches and repair fences are scattered throughout the verdicts for all four villages. There is other evidence of farming for resiants. John Williamson of Snape had a tenement sub-let to him and his cattle trespassed three times: 1/157, 1/158, 1/160 (29.3.1619), and 1/167; and George Thomson of Well had a pasture, kept cattle and sheep and served as a bilawman: 1/144 (pleas), 1/153-4 (Snape and Well verdict), 1/178 (30.6.1621) and 1/170 (bilawman). There is also evidence of farming for unlisted residents (for references see above): the gentleman William Hargraves of Well had land but he was atypical; Thomas Burne of Carthorpe rescued his goods and cattle twice, put animals on the common twice and sold hay but he might have had no more land than the toft he failed to fence; Marmaduke Frank of Snape bought manure and George Harrison of Snape sold hay and they too might have had only a little land; but William Routhe and William Toes of Carthorpe failed to repair a causey and fence a lane respectively, evidence perhaps that they had land away from their homesteads. Men from either group could have been sub-tenants for manorial sub-tenancies were very common, sometimes up to 80% of the land: B.A. Holderness, *Pre-Industrial England: Economy and Society 1500-1750* (London, 1976), p. 78; C.J. Harrison, 'Elizabethan Field Books', (continued ...)

there was no significant difference between resiants and unlisted residents in the land they held and if length of residence had no relevance we must look elsewhere for the reasons for some men being excluded, temporarily or even permanently, from the resiant lists.

It has been noted already that Coke differentiated between resiants and inhabitants on the basis that a person could be an inhabitant in more than one place and a resiant in only one for leet purposes because no man could be in two leets.²²⁰ But few of the unlisted men surveyed can have been inhabitants in more than one place, indeed it seems a possibility in only one case.²²¹ In a sermon preached about 1550 Hugh Latimer, the Bishop of Worcester, referred to 'householders and inhabitants' and at Marske in Cleveland in 1756, the bailiff having been required to 'warn all Inhabitants, Resiants and Freehold Tenants', the call list was headed 'The Names of the Inhabitants and Resiants within the said Manor and the Jurisdiction of the Court Leet': any difference apparently found between inhabitants, householders and resiants is not likely to have been that found by Coke and perhaps these were mere tautologies.²²² But at

²¹⁹ Continued ...) *The Local Historian*, 15, pp. 67-9; *idem*, 'Social and Economic History of Cannock and Rugeley', pp. 81-6; P. Finch, 'Land-holding and Sub-letting: a Surrey Manor in 1613', *The Local Historian*, 18, pp. 16-18; Morris, 'Manor of Little Haywood', pp. 34-5; Nair, *Highley*, p. 128.

²²⁰ Coke, *Second Part of the Institutes*, p. 702. As late as 1838 a poster was published in Whitby because two bankers there had refused to pay fines for non-attendance at the leet and it had transpired they did service at the nearby Stakesby and Ruswarp leet: they were therefore legally excused 'as no person who resides within the Precincts of a Leet, the Lord whereof doth duly hold his Court, is obliged to come to a superior Leet for any purpose which may as well be answered at his own Leet': NYCRO/ZCG/PB640.

²²¹ William Best, assumed to have been resident of Wath, could have resided at Middleton Quernhow in the same parish. He was perhaps the William baptized in 1606/7 the son of the gentleman Richard Best who was high constable for the wapentake and died in 1620. The Bests held the manor of Middleton Quernhow and William could have owed suit there: Wa/p.28; Atkinson, *Quarter Sessions Records*, 1, pp. 117, 126-7, 136, 180, 203; *idem*, 2, pp. 178, 228-9, 237, 238, 241, 248-9; Page, *Victoria History: North Riding*, 1, p. 392; Foster, *Pedigrees, Pedigree of Best of Elmswell and Middleton Quernhow*.

²²² E. Lipsom, *An Introduction to the Economic History of England*, (3 vols, London, 1915-31), 1 *The Middle Ages* (London, 1915), p. 142; NYCRO/ZNKIII/1/9-10. For another example, at Arncliffe in the North Riding, see NYCRO/ZFL/119.

Little Haywood, Staffordshire, 'inhabitants' were equated with occupiers some of whom lived out of the manor and in a parish in the English colonies those who manured land there were technically termed inhabitants even though they dwelt in another town; these 'inhabitants' should be contrasted with the true residents, officially designated at Laxton, Nottinghamshire, in the early eighteenth century as those who 'put up smoke'.²²³ But there is evidence that elsewhere 'resiant' perhaps meant more than merely a person who owed suit at a particular leet. Ashcroft noted how the inhabitants of Stainton by Downholme in the North Riding in the mid seventeenth century were at various times described in the leet records as tenants, resiants, cottagers, undertenants, sub-tenants, undersettles and inmates. He drew attention to the opposition there when the nominal status of inhabitants was adjusted in 1656 and 'resiants' became undertenants, undersettles or inmates. He suggested that 'subtenants (otherwise called "resiants" or "undertenants") ... seems to have been a respectable status giving a right to remain indefinitely in the community, and eventually they might be recognized as "tenants"'.²²⁴ In the Vale of Mowbray manors there was no discrimination between sub-tenants and mere undersettles or inmates: some undersettles were listed as resiants and most of the unlisted residents were never referred to as undersettles or inmates. But, notwithstanding the heading 'Resiants within the View of Frankpledge' on the lists of Snape and Well resiants for the Easter

²²³ Morris, 'Manor of Little Haywood', p. 44; E. Channing, *Town and County Government in the English Colonies of North America* (Baltimore, 1884), p. 12, quoted in the *Oxford English Dictionary* (12 vols, Oxford, 1933), 5, 'inhabitant'; Beckett, *History of Laxton*, p. 46. In 1836 the High Court considered the meaning of 'inhabitant' in a Havering, Essex, charter of 1465 and determined that householders and no others should vote as inhabitants; McIntosh, *Community Transformed*, p. 387.

²²⁴ Ashcroft, 'Records of a Manor', pp. 16-25. In 1735 an inmate was defined in a Snape presentment as a 'person not having a local settlement at Snape': 1/243.

1619 court, the notion that some residents differed from others, that some were listed as residents and some not, clearly appertained there.

The Minster Library at York holds seven Snape and Well rolls for courts leet held between 1625 and 1636.²²⁵ The call lists for these courts held after our period include the tenants and residents: but they also include separate lists of '*desinarii*'.²²⁶ The six Well men listed under this heading proved to be young men aged nineteen to twenty-three years who were the sons of listed tenants or, in one case, of a listed resident.²²⁷ The Snape lists were much the same: four of the twelve '*desinarii*' were the sons of tenants and the five whose ages can be ascertained ranged from twenty-three to thirty years.²²⁸ A memorandum in the 1625 roll records that all the '*desinarii*' who appeared at the court had upon their oaths sworn fealty towards King Charles, the oath being the form of oath used by desiners from ancient times: perhaps the administration of the oath to these young men was the reason for them being newly-listed. The significance of these '*desinarii*' for our purposes is that they had not been listed before, no doubt because they lived in others' households, and their separate listing tends to confirm the

²²⁵ MAN/SNA/2.

²²⁶ Half of the sixteen men listed as Well residents at the Easter 1625 leet had been listed at Michaelmas 1621, six as residents and two as tenants; the list also includes three of the unlisted men of Well mentioned in the rolls at that time: Christopher Bridgewater and Robert Alexander were treated as resident unlisted and John Lund as resident with his mother Agnes, a listed tenant for whom he twice attended court: 1/167 and 1/177.

²²⁷ Richard Benson, son of Oswald, 19 years: W1/f.6; Marmaduke Hauxwell, son of John, 19 years: W1/f.6; John Hawe, son of Henry, resident, 19 years: W1/f.6; William Chapman, son of Francis, 20 years, W1/f.6; Robert Smith, son of William, 21 years: W1/f.5v; and John Wilson, son of Henry, 23 years: W1/f.5v.

²²⁸ William Thomson, son of John, age not known: 1/122; Edward Thomson, son of Thomas, 18 years: W1/f.6; William Stoute, son of William, unlisted, 23 years: W1/f.5; John Stoute, son of Richard, 24 years: W1/f.4v; John Toes, son of Richard, 24 years: W1/f.4v; George Place, father not known, 26 years: W1/f.4v; and Richard Place, father not known, 30 years: W1/f.4v.

assumption that only heads of households appeared in the resiants lists.²²⁹

In the Vale of Mowbray manors resiants were male heads of households not listed as tenants who may or may not have been resident in the village some little time and who may or may not have farmed. Some eventually became tenants but they also included ex-tenants among their numbers. It would seem that only their entries in the resiant lists differentiated them from the unlisted men resident in the village. It would also seem that their inclusion in the lists was a matter of choice and in some cases we have seen obvious reasons for possible reluctance to accept the men concerned. The numbers of men not accepted and listed at any given time were small and the tenant and resiant lists seem to have covered most of the households in each village which were headed by men.

Households

Merely adding the unlisted men to the men included in the call lists would not give an adequate estimate of the number of male heads of households in the manor for not all the tenants lived where they were listed. At Snape twenty of the seventy-eight male tenants were recorded as being 'of Snape' in the manorial rolls, the parish registers and, in one case, an inventory.²³⁰ Twenty-nine more held office in the village and can safely be assumed to have lived there. The parish registers confirm that another seventeen lived in the parish and although there is no indication which of the villages they lived in their presence in the Snape lists points to residence in Snape. In three more cases it seems not unreasonable to

²²⁹ The West Tanfield lists of 'desinariif' and their absence for Wath and Carthorpe has been noted. Six newly-listed resiants at Carthorpe were 'sworn as a desiner': 16.4.1628, 14.4.1629 and 14.10.1629; Five can be shown to have been married, four with children: William Routhe: B/14.8.1625 and B/10.7.1627; Francis Beckwith: B/12.5.1625 and B/7.3.1626/7; Christopher Toes: B/1.12.1625 and 16.2.1625/6; John Thomlinson: B/24.7.1624 and B/8.11.1628; and George Walker: B/8.12.1625; they were therefore not the same as the men listed as 'desinariif' at Snape and Well who were single: for example see marriages of John Wilson, Marmaduke Hawxwell and Robert Smith of Well four to eight years later, W1/f.26 and W1/f.26v. The reference seems to have applied to the oath used to swear the resiants.

²³⁰ George Jackson, Snape inventory 8 at Bedale Museum.

infer residence.²³¹ The documents fail to register the residence of only nine tenants (11.5%), in some cases perhaps because they were tenants hardly long enough, and the mean listing for this group was only 3.1 six-monthly courts. The residence in Snape of 43.7 of the mean 46.8 male tenants at Snape has therefore been established or inferred.

At Well at least four of the eighty-four male tenants lived out of the village.²³² Twenty-four tenants were said to be 'of Well', twenty-one of the others held office and twenty-three more can be placed in the parish by the registers. Although similar evidence is wanting in six more cases residence can be inferred.²³³ For only six of the Well tenants can residence not be demonstrated and their mean listing was only 1.2 courts. Residence in Well has therefore been established or inferred for 48.0 of the mean 49.2 male tenants at Well.

The mean numbers of resident male heads of households gleaned from the manorial records for both Snape and Well are set out in Table 33. The households of the lord at Snape Castle and of the free tenant Christopher Danby at Thorpe Perrow have been included to complete the picture. If the figures produced from the manorial rolls hold good there were some 136 to 141 male heads of households in the parish of Well early in the seventeenth century.

²³¹ John Saville junior was a resiant before he took over the tenancy of his father John Saville senior 'of Snape' with whom he used to live, George Stele was also a resiant before he became a tenant, and Thomas Stoute no doubt remained in the village where his parents, Richard and Margaret, lived as tenants before him.

²³² Augustine Lucas came from Nosterfield: 3/59; John Lund and Francis Dinsdale from Snape: 1/109 (pleas), 1/111, 1/114; 1/106 and 1/165; and Edward Kirkby from Ripon: York Minster Library, MAN/SNA/1.

²³³ Robert Lund and John Scurrey were ex-resiants; Thomas Applebie had been baptized in the parish, he succeeded his mother who was buried there and he kept an undersettle: W1/f.3, W1/f.39v and 3/86; John Allanson was baptized in the parish and succeeded by his son Thomas who was resident: W1/f.1v, 1/125 (son Thomas mentioned in verdict) and 1/164 (bilawman); Edward Brown was successively succeeded by Lancelot and Thomas Brown both of whom were resident: 1/105 (Lancelot constable) and 1/164 (Thomas 'inhabitant of Well' in verdict); and John Crosley's wife was buried in the parish, he rated hemp and he, his children or servant took wood no less than seven times: W1/f.41, 3/37, 3/47, 1/125 (Snape verdict), 3/57, 1/139 (Snape verdict), 1/144 (Snape verdict), 1/147 (Snape verdict) and 1/167 (Snape verdict).

	Snape	Well	
Mean tenants	43.7	48.0	
	3.1?	1.2?	
Mean resiants	12.7	14.5	
Mean unlisted	6.3	9.6	
Snape Castle and Thorpe Perrow	2.0	-	
			Totals
Mean heads of households	Min 64.7	72.1	136.8
	Max 67.8	73.3	141.1

? = residence not established or inferred

Table 33. Mean male heads of households at Snape and Well 1611-21.

The range is more likely to have been understated than overstated: some of the tenants whose residence was not established or inferred probably lived in the parish; we have assumed that most male heads of households would appear in the manorial rolls or parish registers sooner or later but some could have escaped the net; and the unlisted men included could have lived in the manor longer than the records reveal. The estimated range is not in any case a true reflection of the actual households in the parish because for want of information about them in the manorial rolls the figures take no account of females. Nationally women headed some ten to twenty per cent of households.²³⁴ The mean number of female tenants in the Manor of

²³⁴ Female heads of households were not unusual: in thirty-four settlements between 1650 and 1749 18.3% of households were found to have been headed by women. There were far more widows in urban areas and in Kent and Wiltshire the proportions of female heads of households were 10.5% and 16.1% respectively: R.Wall, 'Regional and Temporal Variations in English Household Structure from 1650', in J.Hobcraft and P.Rees (eds), *Regional Demographic Development* (London, 1977), pp. 94 (Table 4.3) and 105 (Table 4.8). At Clayworth, Nottinghamshire, in 1676 eighteen per cent of households were headed by widows, two per cent by spinsters: P.Laslett, *Family Life and Illicit Love in Earlier Generations* (Cambridge, 1977), pp. 88 (Table 2.10) and 198 (Table 5.9) which shows that in a (Continued ...

Snape and Well was 12.7 or 11.7% of the tenant body and there is no reason to believe any of them lived outside the manor. We know there were female residents and it would seem that perhaps some fifteen per cent of the households could have been headed by women. If so, there would be some 156 to 162 households in the parish of Well.

In Chapter Two it was estimated that the population of Well parish early in the seventeenth century was some 625. If the number of households there was indeed between 156 and 162 then they would contain a mean of some 3.9 persons. The mean household size in one hundred pre-industrial English communities studied by the Cambridge Group for the History of Population and Social Structure was 4.75. But Laslett pointed out that this should not be used as a universal multiplier because 'individual settlements were evidently liable to vary quite widely one from another'. Schofield also stressed that average household sizes could vary enormously, especially in small settlements.²³⁴ Noting that nevertheless the mean became almost a stereotype applied to all manner of communities regardless of location or time Wall looked behind it and showed that in the period from 1650 to 1749 the mean for ten per cent of settlements was 3.92. He went on to show that in East Wiltshire about 1700 the mean was 3.8.²³⁵ Arkell noted that the mean had often been applied to the hearth tax 'through a serious misunderstanding of Laslett's work' and suggested that in any case 4.3 would have been a more appropriate overall multiplier for hearth tax households outside London. He concluded that

population totals obtained by applying the central multiplier of 4.3 should be regarded as having around them a

²³⁴ Continued ...) sample of sixty-one places before 1821 61% of widows headed households. At Highley, Shropshire, in 1680 six of the thirty-eight households (15.8%) were headed by widowed persons, including males, and a quarter of a century later widows headed three of the twenty-four households listed there (12.5%): Nair, *Highley*, pp. 113 and 117.

²³⁵ P. Laslett, 'Mean Household Size in England Since the Sixteenth Century', in P. Laslett (ed.), *Household and Family in Past Time* (Cambridge, 1972), pp. 126 and 139; Schofield, 'Enquiries and Problems', p. 33.

²³⁶ 'Regional and Temporal Variations in English Household Structure', pp. 89, 96 (Table 4.4), 103 (Table 4.6), and 109.

range of at least plus or minus ten per cent, and possibly fifteen per cent. But even this will not allow for the full range of local variations, because a few communities had an even smaller or larger mean household size.²³⁷

Plus or minus 15% of 4.3 gives a range of 3.7 to 4.9 and the suggested mean of 3.9 for the parish of Well is clearly feasible.²³⁸

We have noted already that the Wath tenants William Hardwicke and John Brown, two of the few who never served as jurors or officers there, probably lived elsewhere. Eight of the thirty-three male tenants were 'of Wath', fourteen served as village officers and the parish registers confirm the residence of three more. Two tenants succeeded resident tenants with the same surnames and one remained in the resident lists after he ceased to be a tenant. The residence of only three men (9.1%) is in doubt and their mean listing was only 0.7 courts. The residence in Wath of 19.7 of the mean 20.4 male tenants there has been established or inferred. The mean number of male residents was 8.4 and we found the mean number of unlisted men to be 3.0 which means that according to the rolls the mean number of resident male heads of households was between 31.1 and 31.8. The proportions of female tenants and residents were 15.3% and 11.5% respectively and if fifteen per cent of households were headed by women it would seem there were perhaps thirty-six households in Wath. The parish registers indicated the population of the village was perhaps not more than 134 and the mean household size could have been a feasible if low 3.7.

²³⁷ T. Arkell, 'Multiplying Factors for Estimating Population Totals from the Hearth Tax', *Local Population Studies*, 28 (1982), pp. 53-5.

²³⁸ Examples of communities with mean household sizes below 4.0 include the early-Stuart 'semi-rural suburban' parishes of Barnwell and St Giles, Cambridge (3.95 and 3.89 respectively): N. Goose, 'Household Size and Structure in Early-Stuart Cambridge', *Social History*, 5 (1980), p. 364; Highley, Shropshire, in 1680 (3.86) and 1696 (3.6): Nair, *Highley*, pp. 112 and 116; Fronghamborough, East Kent, in 1705 (3.7); and Wroughton, Liddington and Chiseldon, East Wiltshire, c1700-5, (3.6, 3.8 and 3.9 respectively): Wall, 'Regional and Temporal Variations in English Household Structure', p. 110. If the Well population estimate is too low then the household size would be greater. But if the population was as high as the chantry certificate of 1548 seems to suggest the household size would be way beyond the acceptable range, another reason for doubting the chantry certificate as evidence of the later population.

The free tenants of Carthorpe regularly served as quarter sessions jurors and the vicars of Burneston sometimes entered the appropriate villages in the parish registers. As a result we have direct statements that thirty-four of the forty-seven Carthorpe tenants lived in Carthorpe. Two of the others served as officers and three appeared in the registers but without the village being entered. Two tenants succeeded and one was succeeded by resident tenants with the same surname. Three lived in neighbouring villages and a fourth probably did so.⁴³⁹ The only tenant remaining, Christopher Tessimond, had a surname strange to the manor, never served as a juror, featured in none of the verdicts, and arranged essoins instead of attending court: he was probably another absentee but without evidence of residence or of tenants attending in his stead his place of abode must remain open. Of the mean 28.5 male tenants at Carthorpe 24.7 can be placed in the village. The mean number of male residents was 6.2 and we found a mean of 7.5 men who were resident but not listed. The rolls indicate there were some 38.4 to 38.9 male heads of households. 11.3% of the tenants and 6.7% of the residents were females: the proportions are lower but the inclusion of only one female in the fifteen residents is suspicious and enhancement by fifteen per cent seems appropriate here too. If there were forty-four households in Carthorpe and its population was

⁴³⁹ Cuthbert Brown lived at Kirklington, Marmaduke Danby (the uncle of Christopher Danby esquire of Thorpe Perrow, Snape) at Aiskew and George Dobson at Burneston. Burneston is the next village to Carthorpe and Dobson, who served as a juror once and appeared in the verdicts not infrequently for agricultural offences, no doubt farmed himself; Kirklington and Aiskew are some distance away, the gentlemen Brown and Danby never served as jurors, they appeared rarely in the verdicts and no doubt sub-let their land, indeed Danby attended court 'by tenant' on no less than ten occasions. Brown: Atkinson, *Quarter Sessions Records*, 1, p. 188; *ibid*, 2, pp. 71, 176, 184 and 227; *ibid*, 3, p. 144; and 4.10.1628; Danby: *ibid*, 3, p. 359; *ibid* 4, p. 52; 10.4.1626, 13.10.1630 and tenant attendances from 16.4.1628 to 7.10.1635; Whitaker, *History of Richmondshire*, 2, pp. 98-9; Dobson: B/31.11.1629 and B/4.9.1636 (baptisms), 25.10.1625, 10.4.1626 (juror), 3.10.1627, 4.10.1628, 13.10.1630, 11.10.1631, 11.4.1632 (pain), 9.10.1632 and 4.10.1634. William Tebb seems to have been of the same ilk: he was listed as a free tenant and tenant for eleven years, never served on a jury, three times attended court 'by tenant' and no doubt he too was an absentee who sub-let his land: 20.4.1631 (verdict), 31.3.1630, 11.4.1632 and 9.10.1633.

about 150 the mean household size would be 3.4, lower than the other villages but not impossible.

The mean household size of 3.9 for the parish of Well and the means for the villages of Wath and Carthorpe of 3.7 and 3.4 are not unreasonable but they are low and the latter figure is at the bottom of the range of what is acceptable. If the numbers of male household heads produced from the court rolls are indeed understated then the mean household sizes would be even lower and would tend towards being, or some might actually be, unsatisfactory. This could indicate that the numbers of male household heads are about right. But the mean household sizes could be the result of the other elements in the calculation, the assumed proportion of female heads of households and the population estimates: the mean sizes would be higher if there were less female heads or if the estimated populations are too small. Nevertheless, the means suggested, culled from two sets of manorial records and three sets of parish registers, seem to be consistent: the households in the Vale of Mowbray villages could indeed have tended to be smaller than the Cambridge Group's mean and comparable with the low means reported elsewhere in the country.

In the preface to his *The Agrarian Problem in the Sixteenth Century* Tawney noted the ease with which the material in certain classes of manorial documents could be reduced to a statistical shape. He pointed out that

historical statistics should be regarded with more than ordinary scepticism inasmuch as they cannot easily be checked by comparison with other sources of information, and it may reasonably be asked whether it is possible to obtain figures that are sufficiently reliable to be used with any confidence. Often, no doubt, it is not possible ... Even when figures are both accurate and comparable the student who works over considerable masses of material will be fortunate if he does not introduce some errors of his own.²⁴⁰

²⁴⁰ *Agrarian Problem*, p. xxiv.

Tawney wrote in the context of economics but his warning is salutary nonetheless. The statistics in this chapter, obtained by working over 'masses of material', must be viewed in this light. But even if some errors have been introduced, and no doubt unwittingly they have, it is suggested that the general picture presented of two flourishing courts with comparatively wide participation by the villagers in the manorial offices holds true. It would seem the courts were comparatively busy and provided useful local facilities for handling petty offences and minor civil disputes. The leets proved ineffective against occasional defiance but nevertheless dealt successfully with a variety of statutory and agricultural matters by punishing offenders and publishing pains. The courts baron appear to have been valuable to plaintiffs from within and without the manor for in over four-fifths of the suits the parties agreed, the defendant acquiesced or the plaintiff won in a jury trial. Civil jurors generally from more than one village took care with their verdicts and were prepared to refer cases to arbitration. Service as a juror was spread quite widely, usually amongst the tenants, but service as an affeeror was more exclusive and service as foreman was reserved to few, some of whom were of dubious quality viewed from the modern standpoint. Constables tended to be selected from the jurymen but some non-jurors held the lowlier position of bilawman. What evidence there is suggests that the farmers, whether yeomen or husbandmen, predominated in the village offices. A couple of examples of refusal to serve as constables only emphasize the apparent willingness of a considerable proportion of villagers to play their part in local administration when selected or elected; there is only a hint of a selection system in one of the villages surveyed.

The rolls, supplemented by the parish registers, reveal a comparatively stable tenant population with resiants waiting to become tenants and not more than a dozen persons at any time who were apparently not yet accepted as resiants, some of whom were undersettles or inmates. It would seem that few male heads of households resident for any time could escape appearing in the manorial rolls in due course. Substantial numbers attended the six-monthly leets but resiants attended less than tenants and, not surprisingly, the proportion of suitors attending fell if their village was further from the court. The quality of the steward could

have had an influence on attendance figures and we have seen evidence that the quality of manorial records depends on the efficiency of the steward. At Carthorpe reluctance to travel to court was coupled with apparent reluctance to serve on presentment juries and perhaps we see here the first symptoms of the courts' ultimate decline. We have also noted evidence of resistance to the vestiges of feudalism: failure to use the lord's mill and failure to provide services. But these early indications that the courts would wane should not be allowed to detract from the impression that the two Vale of Mowbray courts thrived early in the seventeenth century. We now turn to examine how long the Snape and Well court continued to do so.

CHAPTER FOUR

THE MANOR OF SNAPE AND WELL FROM THE LATE SEVENTEENTH CENTURY

The Listed Tenants and Resiants

The Snape and Well court continued to sit and list its suitors until at least the end of the eighteenth century. The numbers of tenants and resiants grew. Table 34 shows that the mean number of tenants and resiants enrolled in the seventeenth century rose from 136.4 to 156.5, an increase of 14.7% in fifty years. But women were listed as resiants in both villages later in the century and without them the mean number of suitors listed in the manor would have risen by 9.5%: we have assumed a population early in the century of 625 and estimated that it was some 700 fifty years on, an increase of 12.0%. After another half century had elapsed the numbers named in the call lists had fallen by 7.7% to a mean of 144.5: we surmised that perhaps the population had remained much the same. By the end of the eighteenth century the numbers of tenants and resiants had risen markedly to a mean of 186.9, 37.0% more than the equivalent number in the first lists some 160 years earlier: our calculations indicated a population of some 900, a 44.0% increase in the same period. During the eighteenth century tenants and resiants were included in merged call lists for each village and therefore the influence of any female resiants cannot be assessed because the women listed could have been tenants or resiants.¹ We would not in any case have expected the correlation between the numbers listed in the manor and our assumed parish populations to be exact because not all the tenants lived in the manor but the general trend is not dissimilar: the bare numbers

¹ The lists for Well both early and late in the century were headed 'Tenants and Resiants in Well' but the lists for Snape were simply headed 'Snape'. It has been assumed the villages were treated similarly and that the Snape lists did indeed include resiants. The assumption is perhaps supported by the inclusion throughout the Snape lists for both periods of several labourers and of a cottager in the later lists. 1727-36: John Shepherd, W2/f.5v; Cuthbert Thompson, W2/f.13; Richard Wilson, W2/f.5 and W2/f.7v. 1784-93: George Feetham, W5/f.12; Zachery Haw, W5/f.12; George Heslop, W5/f.9; Christopher Lambert, W5/f.16; John Pratt, W5/f.9v and W5/f.11; John Sivers, W5/f.16; Thomas Fawbert, W5/f.7v ('cottager').

		Range	Mean	Listed some time	Listed throughout
1611-21					
Snape	Tenants	47 - 58	50.4	89	26
	Resiants*	9 - 19	13.1	28	6
Well	Tenants	51 - 64	58.4	108	22
	Resiants*	12 - 17	14.5	21	8
Total: 136.4					

* From 1614 when resiants were first listed

1671-86					
Snape	Tenants	62 - 73	66.5	110	24
	Resiants	16 - 19	17.3	35	6
Well	Tenants	56 - 65	60.7	99	22
	Resiants	10 - 13	12.0	26	5
Total: 156.5					

1727-36					
Snape	Tenants)	76 - 80	78.2	126	46
	Resiants)				
Well	Tenants)	63 - 70	66.3	107	38
	Resiants)				
Total: 144.5					

1784-93					
Snape	Tenants)	107 - 114	110.3	148	84
	Resiants)				
Well	Tenants)	75 - 79	76.6	98	55
	Resiants)				
Total: 186.9					

Table 34. The numbers of tenants and resiants listed at Snape and Well 1611-21, 1671-86, 1727-36 and 1784-93.

give no reasons for doubting either the population estimates or the veracity of the lists.

The number of tenants rose in the seventeenth century but the number of tenancies seems to have risen a little faster. Whereas in 1611 three of the persons listed at Snape were mentioned twice, and therefore presumably held two tenancies each, by 1621 seven tenants appeared twice. By 1671 the number listed twice had risen to ten and in 1685 sixteen tenants appeared more than once, two of them three times. A third appeared three times between those years. The call rolls reveal only one example of a tenancy being split on transfer and otherwise holdings seem to have passed to new tenants intact so there could have been more land subject to tenancies at Snape in 1685 when seventy tenants accounted for eighty-eight listings.² In 1727 of the seventy-seven persons listed under the heading 'Snape' only two were listed twice and there would seem to have been some consolidation of holdings. But the number listed twice rose to eight by 1736 when the number of listings was eighty-four. Later in the eighteenth century none of the persons listed appeared more than once. It seems safe to assume that at least some of the tenants would have been listed separately in the past and the change is therefore more likely to reflect a change in clerical practice than the elimination of multiple holdings. The sequence of events at Well was only slightly different. Four of sixty-four tenants were listed twice in 1621 and eight men appeared more than once in a list of fifty-six tenants in 1686, one of them four times: the number of listings both in 1621 and 1686 was sixty-eight and it would seem there had been no increase in the number of plots available to tenants. In 1727 of the sixty-eight persons listed five

² Immediately after Francis Thomson's 'mort' entry in the 1673 call roll William and James Thompson were sworn as new tenants and listed separately thereafter. It is impossible without other evidence to be certain whether the additional tenancies were for new plots or existing tenancies which had been split. It is usually possible to link new tenants with departed tenants because their names are written opposite or immediately above or below the name of the old tenant on the same roll or in the same position in the list on the next roll. Often a roll states explicitly that the new tenant is sworn in place of the old tenant. But it is sometimes not possible to link tenants, not least when rolls are missing.

were listed twice but the seventy-three listings included both tenants and resiants, there had not been less than ten resiants in the earlier separate lists and it would seem there had been some consolidation of holdings at Well too. By 1736 the number listed twice had risen to nine. Later in the century only one man was listed twice but this double entry in a single year at a time when a tenancy was twice changing hands emphasizes rather than detracts from the change in clerical practice already noted.³ It would seem that early in the period studied holdings were consolidated from time to time and in the meantime men were listed twice or more. Later tenancies were perhaps amalgamated in one entry when a listed tenant added to his holding. The number of times a man appeared in the earlier lists is no guide to the number of tenancies he held, it simply depended on when the entries in the lists had last been consolidated.

The movement between the lists detected early in the seventeenth century continued fifty years later. Three Snape resiants became tenants and two Snape tenants became resiants when they were succeeded by men with the same surnames. Perhaps one of the latter, Richard Bannister, failed to make a success of the tenancy for he was moved to the resiant list three years later, although he did become a tenant again in due course.⁴ Three Well resiants became tenants, two of whom had been tenants before being listed as resiants, and eight other tenants also transferred to the resiant

³ In 1784 the second entry for William Hutchinson junior of Well was squeezed in where George Nicholson was marked 'dead', but the following year the 'William' and the 'junior' were deleted, 'Richard' inserted and Richard Hutchinson held the tenancy thereafter: 1/442 and 1/446.

⁴ Christopher Clapham, William Hawe and John Atkinson became tenants from 1674, 1677 and 1681 respectively. John Ward and Frances Bannister were succeeded as tenants from 1672 by George Ward and Richard Bannister respectively. Bannister was listed as a resiant from 1676 and tenant from 1681, indeed he was listed as both from 1681 to 1683.

lists.⁵ The interchange between tenant and resiant lists could not be clearer. Such changes in status cannot be traced in the eighteenth century because of the absence of separate resiant lists but the lists as a whole became more stable: whereas 25.2% of the tenants and resiants listed at any time in both villages were named in all the lists in the early seventeenth-century period and 21.6% throughout the later lists that century the proportions rose to 36.1% and 56.5% in the early and late eighteenth-century periods respectively.

But not all resiants moved to the tenant lists when one would have expected them to do so. Late in the seventeenth century, before they were listed together, there is some evidence of confusion between the two groups. When William Bridgewater of Well became a tenant in 1674 his entry in the resiant list was endorsed 'exit because tenant' which seems to show a proper differentiation. But John Atkinson the younger, having been sworn and 'set in Tennant' with others in 1678, appeared in the lists of Snape resiants thereafter.⁶ Christopher Clapham, whose listing as a Snape resiant in 1672 is endorsed 'admitted and sworn tenant of a close called Belfield', was not listed as a tenant at that or the next court although he was listed as a tenant from 1674.⁷ In the meantime he had been listed twice in the resiant lists and Christopher Raper of Snape also appeared twice in these lists from 1681: double listing is inconsistent with simple lists of non-tenant residents. A list of 'Tenants to be admitted this Court' in 1676 includes one Well resiant and two Snape resiants first listed as such that year and two Snape men who were first listed as resiants later.⁸ Two females from Snape

⁵ The resiant Edward Blakelocke had transferred to the tenants list by 1681. The tenant William Bridgewater became a resiant from 1674 and a tenant again from 1676. The tenant Richard Smithson became a resiant from 1676 and a tenant again from 1678. The following tenants transferred to the resiants lists the year given: Robert Backus, 1671; Barnaby Baine, 1674; Michael Garbutt, 1678; Richard Hawxwell, 1681; John Prokter, 1672; William Reeve, 1674; William Reynold, c1682 (deleted 1683); and Richard Wilson, 1683.

⁶ 3/129. He could, of course, have changed his status in the meantime.

⁷ 3/109, 3/114 and 3/119.

⁸ 3/122: William Geldert, William Mitchell, Christopher Hunton, Francis Topham and Richard Bannister.

and Well respectively were 'admitted' as resiants and five male resiants from both villages were sworn and/or performed suit and service.⁹ These examples could be evidence of nothing more than imprecision and carelessness by the clerk but they could hint that a 'resiant' was something more than a person simply resident in the manor. However, there is evidence that some at least of the lowliest in the community were included in the resiant lists. Three resiants at Snape and three at Well were excused in 1674 'because pauper'; all six had been discharged from paying the hearth tax in 1673. In 1676 a Snape resiant who had also been discharged from paying the tax was excused 'because pauper and lame'. But Robert Backus excused as a pauper the same year had paid the tax and indeed the very year he was excused he was amerced the not inconsiderable sum of 3s.4d for 'harbouring vacabonds and logers'. In due course we will see that others discharged from paying the hearth tax appeared in the resiant lists.¹⁰

Late in the seventeenth century the tenants and resiants of Snape and Well continued to be conscientious about attending the court at Snape: their collective attendance rate of 74.2% in Table 35 was much the same as their 76.5% rate fifty years before as given in Table 5. Despite the reduction in their obligation to attend because courts were no longer held at Easter they defaulted three times more often but even so they recorded only fifty-one default marks between them in the eleven years for which we have

⁹ 3/106, 3/109, 3/123 and 3/125.

¹⁰ The sympathy extended to Robert Ward in 1674 was not repeated for he was declared a defaulter in the next four call rolls available. John Appleby fared better for he was essoined at the next court and attended thereafter. Frances Bannister was replaced by her son from the next court. Before he died Richard Bridgewater was excused once more because he was a pauper and sick. Jane Walker died before the next court. The spinster Margory Justance attended intermittently thereafter. Margaret Sadler, the lame pauper, died before she was next due to appear. Robert Backus attended once and was excused once before he died. Backus amercement: 1/195. J. Hebden (ed.), *The Hearth Tax List for the North Riding of Yorkshire: Michaelmas, 1673*, (5 vols, Ripon Historical Society and Ripon, Harrogate and District Family History Group, Ripon, 1991), 2, p. 51.

Marks	Snape		Well		Totals
	Tenants	Resiants	Tenants	Resiants	
Attended	593 80.9%	140 73.7%	474 71.0%	71 53.8%	1278 74.2%
Essoined	87 11.9%	21 11.1%	157 23.5%	32 24.2%	297 17.2%
Excused	2 0.3%	8 4.2%	6 0.9%	7 5.3%	23 1.3%
Sick	-	-	-	-	-
Defaulted	15 2.0%	13 6.8%	13 1.9%	10 7.6%	51 3.0%
No mark	20 2.7%	6 3.2%	10 1.5%	11 8.3%	47 2.7%
Torn	16 2.2%	2 1.1%	8 1.2%	1 0.8%	27 1.6%
Total Marks	733	190	668	132	1723

Table 35. The attendance marks of the Snape and Well tenants and resiants 1671-86.

marks.' ' They now took the trouble to arrange essoins more often: the proportion of essoins increased from 6.9% to 17.2%; and the proportion of excuses decreased from 14.7% including sick marks to 1.3% with no sick marks, for sickness was no longer recorded separately. The proportion of essoins and excuses combined remained the same, about one fifth of the marks recorded. The attendance records of the separate groups covered by the table were also much the same: the tenants continued to attend more often than the resiants and the suitors from Snape appeared more often than their neighbours from Well. However, there is a hint in the figures of a change in the attitude of the Well resiants: their attendance rate dropped from 62.3% to 53.8% and it would seem they now treated the

' ' Table 35 includes the marks from all three columns of the 1684 call roll, i.e. the marks for 1684, 1685 and probably for 1686.

Marks	1727-36			1784-93		
	Snape	Well	Totals	Snape	Well	Totals
Attended	620 79.3%	385 58.1%	1005 69.6%	555 55.9%	330 47.9%	885 52.6%
Essoined	91 11.6%	169 25.5%	260 18.0%	250 25.2%	155 22.5%	405 24.1%
Excused	57 7.3%	79 11.9%	136 9.4%	71 7.2%	103 14.9%	174 10.3%
Defaulted	11 1.4%	24 3.6%	35 2.4%	97 9.8%	67 9.7%	164 9.8%
No mark	3* 0.4%	6 0.9%	9 0.6%	18 1.8%	33 4.8%	51 3.0%
Torn	-	-	-	-	1 0.1%	1 0.1%
Not summoned	-	-	-	2 0.2%	-	2 0.1%
Totals	782	663	1445	993	689	1682

* includes one 'absent'.

Table 36. The attendance marks of the persons listed at Snape and Well 1727-36 and 1784-93.

journey to the Snape court a little less seriously than they had.¹²

Table 36 shows that in the eighteenth century attendance rates deteriorated. The overall rate of 69.6% early in the century was only a little lower than the rate of 74.2% fifty years before but by the end of the century it had dropped to 52.6%. The combined rate of essoins and excuses, which had been about a fifth, increased to 27.4% early in the century and 34.4% later. The increase did not cover all the absentees and the number of formal defaulters, which had at first dropped to only one in forty, increased to one in

¹² The deterioration in the attendance rate was not because the women newly-included had a poorer attendance record (48.1%) for without the women the attendance rate was still only 55.2%.

ten. The responsibility for the worse attendance rate early in the century rested with the suitors from Well: their attendance rate of 58.1% was worse than the rate of 68.1% achieved by the tenants and residents together fifty years before whereas the rates at Snape were much the same. There seems to have been growing reluctance to make the two-mile journey from Well to the court at Snape. It appears the steward recognized this for, whereas all courts ~~leet~~ were formerly held at Snape, they were held alternately in each village from 1786. The Well villagers responded with an attendance rate of 63.5% at the Well courts, better than their former rate for courts at Snape of 58.1%, although their rate for Snape courts was now only 35.3%. But the people of Snape were just as reluctant to attend courts at Well: their rate for courts at Well was only 36.7% whereas their rate for courts at Snape remained high at 71.1%. Instead of attending they sent essoins: at 12.6% the essoin rate for the Snape courts was a little lower than the former rate, the essoin rate for the Well courts was 41.0% and default rates at both venues were much the same.¹³ If the move to alternate venues was intended to improve overall attendances it failed: the people of Snape were reluctant to travel to Well, their neighbours in Well were now even less willing to travel to Snape and overall attendances dropped. If the move was intended to encourage the Well suitors it also failed: their attendance rates continued to deteriorate, they remained worse than those of the Snape suitors at both their 'home' and 'away' courts *mutatis mutandis*, and with a default rate of 11.1% they actually defaulted more often 'at home' than they did 'away' (8.6%). The steward seems to have acquiesced in the failure of the change: in 1791 the names of three of the twelve suitors who failed to travel to Snape and who were presented for default by the Well jury were deleted from the presentment; the names of four of the sixteen who the following year failed to make the journey from Snape to Well were

¹³ The default rate for Well courts was 10.7% and for Snape courts 9.0%. There are examples of men who attended every Snape court who were essoined at every Well court: William Bellentine, John Walker, Christopher Boyenton and William Boyenton. Others attended every Snape court and travelled to Well only once: Matthew Heslop, Jacob Robinson, John Marshall, William Atkinson, John Haw and Christopher Metcalfe.

	Minimum	Maximum	Mean
1615-21	98	117	107.2
1671-86	90	105	97.0
1727-36	91	110	100.5
1784-93	83	115	98.3
(1786-93	83	102	94.0)

Table 37. The numbers attending the Snape and Well court 1615-21, 1671-86, 1727-36 and 1784-93.

deleted and four of the five from Well who failed to attend the court in their own village had their names deleted too; and in 1793 the names of all the defaulters, thirteen from Snape and five from Well, were endorsed 'excuse' in the presentments.

The proportions of villagers attending the court decreased successively in each of the periods examined and the percentage attending was considerably lower at the end of the eighteenth century than it had been early in the seventeenth century. But the actual numbers attending varied much less because of the increased numbers listed. Table 37 shows that in the two centuries reviewed most did indeed attend the court early in the seventeenth century. But more attended early in the eighteenth century than late in the seventeenth century. And the numbers attending late in the eighteenth century compare favourably with the numbers attending 170 years before: the mean attendance was only nine less and the 115 persons who attended the 1784 court was only two less than the maximum achieved by their predecessors. However, this was before alternate venues were introduced and the separate figures given for the period from 1786 show that despite the change the attendances then were in all respects worse than in the other three periods. Although the overall attendance rate (52.6%) was still better than that achieved at Wath and Carthorpe 150 years before (48.8%) the Snape and Well court had clearly deteriorated in terms of the numbers and proportions attending. It remains to be seen whether the deterioration was reflected in its business and administration.

The Court Baron

The records of the later Snape and Well courts baron are sparse: as noted in Chapter Two we have only eight sets of pleas for the late seventeenth-century period, the rough notes of six sets of pleas for the early eighteenth-century period and the entries in the court book for only eight courts held in the period later that century. We have registered that the book gives grounds for suspecting that the surviving records are not a small proportion of the courts held but the complete records of the few courts held. Even so it would seem that the records of some of the earlier courts have not survived.¹⁴

Whether or not the records are complete some useful information can be gleaned from them. More than three-quarters of the civil cases heard earlier in the seventeenth century were actions for debt yet Table 38 shows that from later in the century such cases had almost disappeared: only two cases were specifically designated as suits for debt in the later periods. Plaintiffs still sued for debts in the manor court but now they were designated as *assumpsit* or more generally as trespass with or without 'case' added. As the table also shows the clerks all too often simply entered 'plea' which means the divisions into separate designations are almost valueless. But they do illustrate the change in that area of the law at that time. Slades Case in 1602 had confirmed the presumption of an *assumpsit* in all debts and because trespass on the case by *assumpsit* had advantages over debt and detinue it replaced them, thus paving the way for the modern law of contract. Cases of debt still predominated in the Vale of Mowbray courts during the decades immediately after Slades Case but the table shows that *assumpsit*, however it was designated, had taken over fifty years

¹⁴ The case of Court v Carmichael heard on 26 November 1731 and recorded on the call roll for 15 October 1731 [sic] contains references to courts held on 17 December, 7 January and 28 January; only the records of the 17 December court have survived: 1/229.

Action	1671-86	1727-36	1784-93
Debt	1	1	-
Trespass	15	13	22
Assumpsit	8	1	-
Others	5*	16#	17#
Totals	29	31	39

* One trover, two undesignated and two indecipherable.

Simply designated 'plea'.

Table 38. Extant civil actions at Snape and Well 1671-85, 1727-36 and 1784-93.

later. The Snape steward may have been slow to make the change for trespass on the case had almost replaced debt at Havering, Essex, before 1563.¹⁵

Table 39 gives the amounts sought in all the the actions in the periods studied where they are included in the record. It shows that late in the seventeenth century many plaintiffs still sought comparatively small amounts: more than half sued for less than ten shillings. Only two of the sixteen cases were suits for the maximum of 39s.11d. There then seems to have been a change of practice for all the eighteenth-century cases giving amounts, and they include every case in the book during the later period, involved the maximum sum: the court adhered to the forty-shilling limit but it seems to have become routine to claim up to the limit. In only one of the eighteenth-century cases do we have a result giving the amount

¹⁵ Harding, *Social History of English Law*, pp. 102-6; Baker, *Introduction to English Legal History*, pp. 189-93; G.C.Cheshire and C.H.S.Fifoot, *The Law of Contract* (London, 1945), Sixth Ed. (London, 1964), pp. 3-15; F.W. Maitland, *The Forms of Action at Common Law: a Course of Lectures (with Equity)*, Cambridge, 1909), new edition by A.H.Chaytor and W.J.Whittaker (eds) (Cambridge, 1968), pp. 55-7; McIntosh, *Community Transformed*, p. 302, Table 5.1. The difference in the proportions of debt suits at Snape and West Tanfield in Table 7 was no doubt in part because some of the *assumpsits* and trespasses on the case shown separately would be suits for the recovery of debts.

Amount	1671-86	1727-36	1784-93
Less than one shilling	-	-	-
One shilling and over but less than ten shillings	9 56.3%	-	-
Ten shillings and over but less than twenty shillings	1 6.3%	-	-
Twenty shillings and over but less than thirty shillings	2 12.5%	-	-
Thirty shillings and over but less than forty shillings	4 25.0%	26 100.0%	39 100.0%
Forty shillings and over	-	-	-
Totals	16	26	39

Table 39. Breakdown of amounts sought in extant civil actions at Snape and Well 1671-85, 1727-36 and 1784-93.

awarded to the plaintiff: Cass v Smith heard on 3 January 1736. Henry Cass had lent Brian Smith a bay gelding and alleged that Smith had loaded the cart pulled by the horse so 'heavily and immoderately' that the cart overturned. Cass claimed 39s.11d because the horse broke its shoulder and died. John Chapman gave evidence that the horse was worth about thirty-five shillings which would seem to indicate Cass had claimed more than the horse was worth. This appears to be confirmed by the jury's award to Cass of only fifteen shillings damages with twopence costs.¹⁶ But most horses would be worth more than the forty-shilling limit in 1736: the mean value of twenty-nine horses mentioned in Snape and Well inventories between 1687 and 1694 was £2 9s.1d and few were valued at less than forty shillings.¹⁷ Cass

¹⁶ 1/246.

¹⁷ Snape inventories 20-21 and Well inventories 18-21 at Bedale Museum. At Wistow in the West Riding of Yorkshire eighteen horses including three foals were appraised at thirty-two pounds in 1666 and four horses were appraised at eighteen pounds in 1710; Riley, 'Families and Their Property', pp. 37 and 39. For prices nationally see Joan Thirsk, *Horses in Early Modern England: for Service, for Pleasure, for Power* (Reading, 1978), pp. 24-5.

	1671-86	1727-36	1784-93
Defendant accepted, said nothing, absent, etc.	4	-	-
Agreement	1	4	16
Plaintiff did not pursue	-	2	-
Arbitration	2	-	-
Jury for plaintiff	6	1	-
Jury for defendant	3	-	-
Totals	16	7	16

Table 40. Known results of extant civil actions at Snape and Well 1671-85, 1727-36 and 1784-93.

may have claimed the proper value of the horse after all, indeed he may have claimed less than it was worth for the convenience of suing in the local court. Few of the sixty-five eighteenth-century cases would involve exactly 39s.11d and some plaintiffs probably sought more and others less than their loss.

We have even fewer results than we have cases and therefore the figures given in Table 40 must be treated with caution. But we do have the outcome of all the cases recorded in the late seventeenth-century sample. At 56.3% the proportion of jury trials then was much greater than the proportion in the Vale of Mowbray courts baron earlier in the century (14.5% and 23.5%): the surviving records form part of court leet rolls and arrangements could have been made for jury trials to coincide with leets but the increase could be simply because the very small sample may not reflect the true picture. If the figures reflect the outcome of all jury trials it would seem that plaintiffs continued to do better than defendants. We should also remember that arbitration was still in use at that time. The surviving notes of the eighteenth-century courts baron are not the final records and it is doubtful whether the few results they contain are representative. Nevertheless, late in the eighteenth century at least sixteen of the thirty-nine cases recorded in the book resulted in agreement between the parties.

Plaintiff	Defendant	1671-86	1727-36	1784-93
Snape	Snape	7 24.1%	2 6.5%	6 15.4%
Well	Well	14 48.3%	13 41.9%	9 23.1%
Snape	Well	2 6.9%	1 3.2%	2 5.1%
Well	Snape	1 3.4%	3 9.7%	1 2.6%
Not known	Snape or Well	3 10.3%	10 32.3%	19 48.7%
Snape or Well	Not known	2 6.9%	1 3.2%	1 2.6%
Not known	Not known	-	1 3.2%	1 2.6%
	Totals	29	31	39

Table 41. Residence of parties in extant civil actions at Snape and Well 1671-85, 1727-36 and 1784-93.

Because the parties' residences are not mentioned in the extant cases Table 41 is less detailed than the equivalent table for the early seventeenth century: there is no direct evidence that any of the cases involved outsiders. But it seems not unreasonable to assume that many of the persons whose residences are not known hailed from outside the manor.¹⁸ There is nothing in the book to indicate the nature of the trespasses against them but most of the actions brought by outside plaintiffs in the earlier records involved debts incurred in trade or were for money lent and perhaps

¹⁸ For example, the gentleman Timothy Carter who in 1679 sued a Snape tenant for debt having supplied him with malt was perhaps the man of that name who paid the tax on five hearths at Bedale in 1673: 3/131; Hebden, *Hearth Tax List*, 2, p. 39. The gentleman Christopher Webster who sued four Snape men in 1787 and three Well men the following year would surely have appeared elsewhere in the manorial records had he been resident in the manor as perhaps would Mr Richard Taylor who sued in 1788.

the later cases are likely to have been much the same. If the small samples are representative there seems to have been a decline not only in the numbers of cases but also in the proportion of cases brought by the villagers: early in the seventeenth century the proportion of suits initiated by the plaintiffs from Snape or Well, including the lord of the manor, was 76.9% and the equivalent proportion later in the century was 89.6% but in the eighteenth century it fell to 64.5% and eventually to 48.8%. The lord of the manor may have ceased using his own court for civil actions. The villagers seem to have used the court less often than they had although probable outsiders appear to have found it convenient to continue to use it from time to time. But the samples are small and, although it is intriguing to speculate about whether the villagers used the court baron less as they attended the leet less, too much cannot be read into the little information available.

The 1680 leet jury list contains a list of names headed 'Of the sumanses' followed by 'To Siman beddforth' with five other names which is in turn followed by what appear to be the names of the parties in fourteen civil cases. Endorsements appear to indicate that Simon Bedforth and the five others were to be jurors in some of the civil cases listed. Bedforth was a Well resiant, four of the others were Well tenants and the last was a Snape resiant. If the men named were indeed civil jurors then the jury was much smaller than those empanelled fifty years before when two of the juries noted had eleven jurors and the others had twelve or more.¹⁹ The jury which awarded Henry Cass damages for the loss of his horse is the only early eighteenth-century jury of which we have a record: it comprised eight men listed at Snape and four listed at Well. Both Cass and the defendant Smith lived at Well.²⁰ There is no record of a jury trial in the court book and hence we have no information about civil juries at Snape in the late eighteenth century.

Ninety-nine civil actions recorded in three

¹⁹ The bottom of the list is endorsed 'The Jouarys are impanneled for this year 80' and 'all to appear for eight of ye Clock at the usell place upon Saterdag ye 16th of this p'sent october in payne of 5l [£5] a man': 3/133.

²⁰ 1/246.

comparatively short periods spread over some 120 years is an inadequate sample from which to draw firm conclusions about all aspects of the Snape and Well court baron. The comparatively meagre entries in many cases tell us little about the nature of those suits and results are wanting for more than half the sample. Nevertheless the records available show clearly the transition from debt and detinue to trespass on the case by *assumpsit*. They also reveal a change from actions for a range of damages to consistent claims for the maximum of 39s.11d. We can be less certain about the mix of civil juries but both the juries recorded included men from each village. Nor can we be sure about the use of the court by the lord but he was involved in none of the cases in the sample. The early examples of arbitration and the agreements recorded in all three periods, more than half of the results available (53.8%), show that the court still provided a means of relieving some local tension. What evidence we have indicates that, whilst some suitors may have claimed more than their true loss, others may have been content to claim less to have their cases heard locally. Yet notwithstanding the advantages of a local court it seems to have been used less. The poor sample of civil actions has failed to reveal the extent of the decline of the court baron and we must turn to the verdicts and presentments to see whether the business of the court leet deteriorated with the numbers attending it.

The Presentments

We have no formal verdicts for the three later periods studied but the juries' presentments contain much the same information. For the late seventeenth-century period we also have several estreats drawn up by the steward after the court. Estreats authorised the bailiff to collect the fines and amercements and contain offences at court which were included in the verdicts but not

always in the presentments.²¹ Details of the offences prosecuted in the three periods gleaned from the presentments and estreats are given in Table 42. The table cannot be compared directly with Table 13 which gives similar information for early in the seventeenth century but it is obvious there was a marked reduction in the offences presented.²² The reduction is confirmed by calculating the mean numbers of offences in each presentment: taken together the two villages presented a mean of 33.0 offences early in the seventeenth century, 20.1 without the many offences of taking wood, but these are six-monthly figures which should be doubled to make true comparisons with the later annual figures; the combined mean fell drastically to only 12.0 later in the century and after a rise to 15.2 early in the eighteenth century it fell again to only 6.1 before the century closed. Even without full documentation it is clear the numbers of offences presented dropped markedly over the period studied, particularly in the mid seventeenth century.

It is also immediately obvious that the range of offences narrowed. Gone from the group of public order and statutory offences are several offences which featured prominently in the earlier lists: scolding, poaching, unlawful games, ale offences and rating hemp. There are no vestiges of feudalism among the manorial offences: the extant documents contain no examples of failure to grind at the mill or neglect to perform services. And it is also evident that some offences were presented to the leet much less

²¹ 3/105, 3/110, 3/115-6, 3/126-7, 3/132 and 3/135. The estreats often give details not included in the presentments, the name of an affray victim here and the addition of a 'senior' there, but occasionally offences in the presentments are omitted from the estreat. Sometimes the estreat gives information about what offenders had paid: document 3/135 shows one offender paid the whole of his amercement of 6s.8d whereas two others paid 3d and 2d respectively towards their respective amercements of 3s.4d and 1s.8d.

²² Early in the century courts leet were held twice each year and the tables cover different periods based on different documents which are not available for both villages for every year in the sequences. Nevertheless the documents available for the later periods provide a more than adequate sample: of the thirty presentments which would be submitted in the late seventeenth-century period twenty-four have survived and they are supplemented by eight estreats; all the presentments are extant for the early eighteenth-century period; and seventeen of the twenty presentments presumably submitted in the late eighteenth-century period are available.

Presentments included	1671-85		1727-36		1784-93	
	Snape	Well	Snape	Well	Snape	Well
Presentments included	10	14	10	10	8	9
Affray	5	12	-	2	-	-
Rescue/Pound breach	2	5	-	9	-	-
Theft	1	2	-	-	-	-
Keeping inmates or vagabonds	1	1	3	-	-	-
Public health	1	-	2	7	-	1
Highways and cawseys	-	6	1	2	-	-
Sabbath assembly	-	1	-	-	-	-
Overseers' neglect	-	-	2	-	-	-
Sub-totals:	10	27	8	20	-	1
Combined sub-totals:	37	9.4% 14.8%	28	5.6% 11.0%	1	2.0%
		12.8%		8.6%		1.0%
Taking wood	1	5	-	1	-	-
Hedgebreaking	10	14	5	3	-	-
Taking whins [gorse]	-	1	-	-	-	-
Shearing grass	-	10	-	-	-	-
Maintenance of fences, etc	10	21	-	41	1	1
Maintenance of ditches	39	11	85	39	1	-
Mis-use of common	-	35	-	24	-	-
Encroachment	-	6	-	4	-	-
Unringed swine	-	5	3	19	-	-
Straying animals	3	22	6	-	-	-
Obstructing lanes/street	-	-	2	8	-	-
Miscellaneous manorial	6	11	1	-	-	-
Sub-totals:	69	141	102	139	2	1
Combined sub-totals:	210	65.1% 77.5%	241	70.8% 76.8%	3	3.7% 2.0%
		72.9%		74.2%		2.9%
Disclosing jury secrets	-	1	1	-	-	-
Default	26	12	32	16	52*	46*
Contempt of court	1	-	-	-	-	-
Suing out of court	-	1	-	1	-	-
Jurors' default	-	-	-	2	-	3
Scandalous words against jury	-	-	-	1	-	-
Sub-totals:	27	14	33	20	52	49
Combined sub-totals:	41	25.5% 7.7%	53	22.9% 11.0%	101	96.3% 96.1%
		14.2%		16.3%		96.2%
Nature of offence not known	-	-	1	2	-	-
Totals:	106	182	144	181	54	51
Combined totals:	288		325		105	

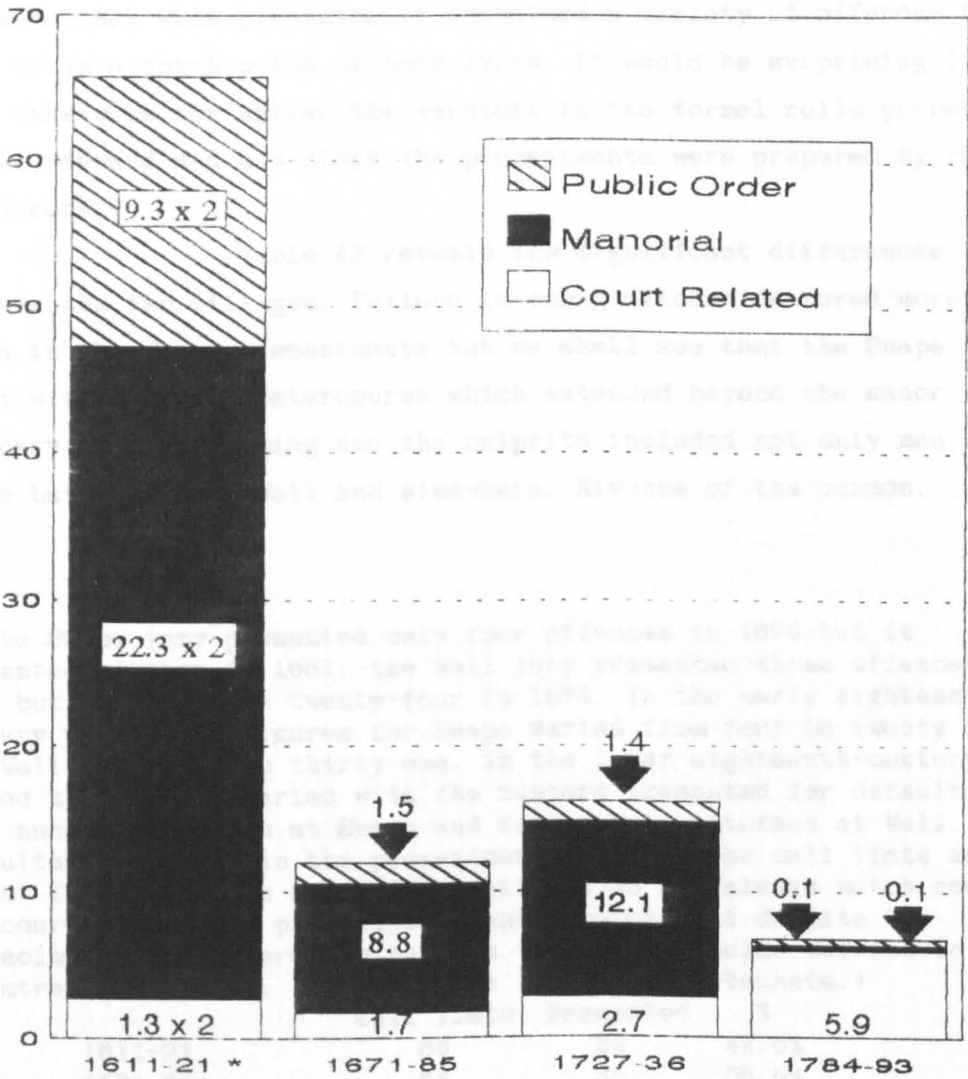
* Does not include entries deleted or marked 'excuse'.

Table 42. Offences presented by the juries of Snape and Well 1671-85, 1727-36 and 1784-93.

often: reports of affrays and inmates were reduced and taking wood, for which so many had been presented at Snape, now appeared rarely. Indeed, it is clear that these offences and others surviving into the late seventeenth-century presentments either disappeared or featured very infrequently thereafter.

As the numbers of offences presented fell the proportions in each group changed. From the early seventeenth century to the early eighteenth century the proportion of manorial offences hovered at just under three-quarters (67.6%, 72.9% and 74.2%). But public order and statutory offences which constituted more than a quarter of offences in the early seventeenth-century verdicts for both villages (28.3%) had more than halved fifty years later (12.8%) and after another fifty years these offences were reported even less often (8.6%). In the same period of one hundred years the proportion of court-related offences rose, at least fourfold from 4.1% to 16.3%: the increase could have been even more for we have no later estreats and we have seen that not all court-related offences appeared in the presentments. The increase was not solely because of the fall in the proportion of public order and statutory offences: the numbers presented doubled from 1.3 to at least 2.7 per presentment. It would seem that as the court dealt with less manorial offences and even less public order and statutory offences it asserted itself more. This trend accelerated during the eighteenth century by the end of which at least 96.2% of the business of the leet related to the administration of the leet itself. The proportion would have been even higher if every default presented had been accepted for eleven were deleted and eighteen were endorsed 'excuse'.

The changes in the business of the leet are clearly illustrated in Figure 3. It should not be assumed from the mean figures represented there that the columns reveal the contents of a typical verdict or presentment: we have seen already that the numbers of offences presented early in the seventeenth century varied



* The figures for 1611-21 have been doubled to produce annual figures suitable for comparison with later periods.

Figure 3. Mean numbers of public order and statutory offences, manorial offences and court-related offences in verdicts and presentments at Snape and Well 1611-21, 1671-85, 1727-36 and 1784-93.

* For example, the 1672 Snape presentment (C/160) starts with three defaulters, then recites various offences of neglect to repair gates and moor ditches (misfeasance presentable at the next), and after an offender who took wood and another who had ditched the pound (court-barn business) it concludes with two affrays which are crimes presentable at the least one might now expect to appear first. However, the penalties of 1s. 6d. each imposed for the affrays were much less than any of the penalties for the manorial offences which indicated they were not particularly serious.

markedly from court to court. This continued to be the case.²³ Because the presentments contained less offences from a narrower range there was less scope for mixing court-leet and court-baron business. But when presentments contained a variety of offences they were often a hotch-potch of both types: it would be surprising if it were otherwise for unlike the verdicts in the formal rolls prepared by the steward and his clerk the presentments were prepared by the lay jurors.²⁴

Table 42 reveals few significant differences between the two villages. Failure to scour ditches featured more often in the Snape presentments but we shall see that the Snape jury dealt with the main watercourse which extended beyond the manor boundary towards Leeming and the culprits included not only men from Snape but also from Well and elsewhere. Mis-use of the common,

²³ The Snape jury presented only four offences in 1676 but it presented sixteen in 1681; the Well jury presented three offences in 1671 but it presented twenty-four in 1674. In the early eighteenth-century period the figures for Snape varied from four to twenty and for Well from five to thirty-one. In the later eighteenth-century period the numbers varied with the numbers presented for defaulting, from none to thirteen at Snape and from two to thirteen at Well. Less defaulters appeared in the presentments than in the call lists and rolls. The call lists and rolls available do not always match court-for-court the extant presentments and verdicts but despite the imprecision the differences between the columns below suffice to illustrate the point. (Both columns include free tenants.)

	Call lists	Presented	%
1611-21	80	34	42.5%
1671-86	68	38	55.9%
1727-36	75	48	64.0%
1784-93	193	127	65.8%

The court asserted itself by dealing with growing proportions of defaulters but the marked increase in 1784-93 was because there had been a marked increase in defaults: the proportion presented was much the same as it had been fifty years before and indeed the proportion who would appear in the verdicts, i.e. the number presented without those deleted and marked 'excuse', would be less (50.8%).

²⁴ For example, the 1672 Snape presentment (1/190) starts with three defaulters, then recites various offences of neglect to repair gates and scour ditches (nuisances presentable at the leet), and after an offender who took wood and another who had breached the pound (court-baron business) it concludes with two affrays which as crimes presentable at the leet one might have expected to appear first. However, the penalties of 1s.8d each imposed for the affrays were much less than many of the penalties for the manorial offences which indicates they were not particularly serious.

encroachment and most of the straying animals were confined to Well which could indicate enclosure there was less advanced: that there was still an open arable field at Well in 1674 is confirmed by references to 'land ends being downe into the corne field' and 'the comon Corne field'.²⁵ A presentment in 1684 for 'taking his field fence away contrary to a paine laid; and corne in field' shows that some of the lapses involving fences reported more often at Well refer to temporary divisions in the common field.²⁶ References to field fences are still to be found early in the eighteenth century and in 1732 one was specifically said to be 'to ye corn field'.²⁷

The court dealt with much the same number of thefts in the late seventeenth-century period as it had fifty years before, three now and five then: James Raynoldson, a Snape resiant, was fined 1s.6d 'for takeinge the Buckit from the drawewell' and the Thomas Shottons, senior and junior, were fined a shilling and 3s.4d respectively for taking 'as a trespass' a lamb and three sheep respectively.²⁸ But the court handled less affrays, only seventeen in the late seventeenth-century period, a quarter (26.6%) of what it had handled fifty years before.²⁹ No thefts or affrays appear in the records for the later periods and although presentments for keeping inmates or vagabonds lingered into the early eighteenth century the numbers presented were drastically reduced to less than a tenth (8.8%) of what they had been a century before.³⁰ Public health also seems to have troubled the juries less. The only offence presented in the late seventeenth-century period was one of 'sellinge unholesom

²⁵ 3/118. A 'land' was a ploughed ridge in a common field, elsewhere known as a selion: Atkinson, *Quarter Sessions Records*, 4, pp. 134 and 149; *ibid*, 9, p. 130.

²⁶ 1/209. See Bennett, *Life on the English Manor*, p. 47, and Vinogradoff, *Growth of the Manor*, p. 174.

²⁷ 1/211, 1/231, 1/239 and 1/249.

²⁸ 1/203 and 1/206.

²⁹ The reduction in the number of affrays is in keeping with the downward trend in interpersonal violence after the early seventeenth century reported by Stone: L. Stone, 'Interpersonal Violence in English Society 1300-1980', *Past and Present*, 101 (1983), pp. 22-32.

³⁰ Allowance has been made for the variation in verdicts and presentments surviving.

flesh' for which the culprit was amerced only a shilling.³¹ Two tanners were in trouble at Snape in 1727: 'for conveying into the towns street his sludg and water which he throughs out of his tann yard' and 'for conveying into our water suer his tanner sludg.'³² At about the same time the offences at Well varied: washing in the mill race, leaving a dead horse in the street and dunghills 'lying near the Beck', 'by ye beckside to ye damage of ye water' and 'by ye Mill Race to poison ye water'. John Coltman, one of the men amerced because his dunghill had been near the beck, was amerced five years later because his 'Miding lying in ye street to damage his nighbors', an offence treated here not as a public health matter but as an obstruction of the street. The sole public health offence in the late eighteenth-century period involved Thomas Court putting dirty sludge into the beck: his father, John Court, had been one of those amerced because his dung[hill] lay next to the beck fifty years before.³³ The Coltman and Court cases hint that the public health breaches presented were perhaps continuing offences, offences repeated by persons who had perhaps not heeded advice: dunghills by their very nature continue unless something is done about them, tanners need to dispose of their sludge but they also need to be controlled and, although there is nothing in the rolls to indicate the seller of unwholesome flesh and the millrace washers had offended before, their offences were of a type which could all too easily have been repeated.

It is clear that even in the late seventeenth century the court was no longer as 'powerful' as it had been, indeed with about a couple of dozen offences a year including only one affray there was then little to choose between it and the 'relatively

³¹ 1/192: four others presented at the same time for not making their gatesteads and bridges sufficient were amerced 3s.4d and a fifth ten shillings for the same offence. Although presented by the Snape jury all these culprits hailed from Well.

³² 1/212. Both tanners were members of the jury making the presentment.

³³ 1/223, 1/239, 1/242 and 1/444. The problems of disposing of dung were not confined to urban areas like Prescott, Lancashire: King, 'How High is Too High?', pp. 443-57.

weak' court at Rishton, Lancashire, noted by King, and the courts in similar Essex manors noted by Newton and McIntosh. Although it dealt with even less affrays it otherwise seems to have held its own into the early eighteenth century but it deteriorated again thereafter. Dawson has suggested that the symptoms of a declining manorial court were a contracting circle of topics, reduced attendance and the presentments' decline into mere repetition:³⁴ we have seen that at Snape and Well by the late seventeenth century the range of offences had narrowed but attendance rates had held; and by the early eighteenth century the reduced range of offences had been maintained when attendances had fallen a little; but in the late eighteenth-century period only five different offences appeared in the presentments, only half the suitors attended any given leet and although the presentments included more than the mere repetition of *omnia bene* often reported elsewhere they concentrated on offences related to the court. We have also noted that the business of the court baron seemed to have been reduced and that in the late seventeenth century the leet had ceased to meet every six months; it remains a matter for conjecture whether the reduction in courts was precipitated by the reduction in business or whether the court dealt with less because it met less often. In retrospect it is plain that the decline of the court had started before the seventeenth century ended but it probably reached its conclusion late in the eighteenth century. Examination of the presentments submitted between our two eighteenth-century periods shows that the juries rarely presented public order and criminal matters then, only fourteen offences in the eighty-four presentments available, but they continued to present manorial offences in almost every presentment until a change of steward in the early 1770s. Of the thirty-two extant presentments under the stewardship of Richard Stewardson, including those in our later period, only seven contain manorial offences and it would seem

³⁴ *History of Lay Judges*, p. 254.

that his appointment inflicted a grievous blow on the court.³⁵ The last straw may have been a change of lord of the manor: the end of the sequence of extant records and the last year in the civil court book co-incided with the death in 1793 of Brownlow, Earl of Exeter, who was succeeded by his nephew Charles Chaplin to whom he had devised the manor. That year the only offenders presented by the two juries were eighteen defaulters and both presentments were endorsed 'excuse'.³⁶

The reduction in business could have been because the offences were ignored, handled informally, dealt with elsewhere or simply no longer committed. There can be little doubt that the villagers from Snape, Well and elsewhere would have continued to take wood yet during the seventeenth century there was a twentyfold reduction in presentments for this offence.³⁷ At the same time public health presentments fell from sixteen to only one, although they were to rise again later. As noted in Chapter Three Marjorie McIntosh has suggested that in Tudor Essex rigorous supervision in a period of anxiety about sanitation and the scarcity of wood caused by population pressure was followed by more relaxed attitudes a generation later: the reduction in wood and public health presentments at the Snape court could reflect a similar easier approach by the jurors. It might also explain the disappearance of other offences from the presentments. However, contrary to experience elsewhere, the work of the assizes and quarter sessions in Yorkshire in the late seventeenth century rose sharply from 1650 to the 1670s, most of their business being 'assaults, affrays and administrative

³⁵ The annual mean numbers of offences in each decade, with the mean numbers of court-related offences in brackets, were: 1727-36 16.3 (2.7); 1740s 22.9 (4.7); 1750s 29.7 (6.9); 1760s 20.3 (7.0); 1770s 21.8 (13.2); 1784-93 12.3 (11.8). The last extant document bearing the name of the steward Thomas Raper is the 1770 call roll (1/394) and the first bearing the name of Richard Stewardson is the 1773 jury list (1/396).

³⁶ 1/470 and 1/472. Horsfall, *Manor of Well and Snape*, p. 75.

³⁷ Illegal wood-gathering continued to be widespread in Berkshire, Hampshire and Wiltshire throughout the seventeenth and eighteenth centuries: B. Bushaway, *By Rite: Custom, Ceremony and Community in England 1700-1880* (London, 1982), pp. 208 and 227-30.

infractions'.³⁹ This raises the possibility that the reduction in business at the leet came about because some of the cases formerly presented there were now presented at the quarter sessions. Unfortunately the published quarter sessions records proved insufficient to confirm this although it is clear that, as before, some cases which could have been handled locally were dealt with at the higher court: the four men who made a footway across Sir Christopher Wandesforde's land at Upsland in 1669, the woman who used scandalous words in 1679, and the miller who made a rescue of his goods in 1689.⁴⁰ Sir Christopher was no ordinary landowner and the woman appears to have been the vicar's wife so in two of these cases we have exacerbating circumstances similar to those found in some cases sent to the quarter sessions some years before.⁴¹ But there is also the probability that some offences were now dealt with by justices in or out of petty sessions, the records for which have not survived. Legislation in 1663 and 1766 provided for wood-gathering to be treated as theft and dealt with by magistrates.⁴¹ Indirect confirmation that these and other cases were taken to the justices is provided by a 'Rule made and Agreed to as to what is to be in future

³⁹ Sarah Mercer, 'Crime in Late-Seventeenth-Century Yorkshire: An Exception to a National Pattern?', *Northern History*, 27 (1991), pp. 110-17.

³⁹ NYCRO/QSM/14/20.7.1669, NYCRO/QSM/16/29.4.1679 and NYCRO/QSM/18/8.10.1689. Other cases identified between 1669 and 1691 were criminal cases which would have been dealt with at the quarter sessions anyway: breaking and entering (NYCRO/QSM/14/20.4.1669), perjury (NYCRO/QSM/14/3.10.1671) and riotously disturbing the peace (NYCRO/QSM/18/8.10.1689); cases which had not been dealt with at the manorial court: not repairing to church (Atkinson, *Quarter Sessions Records*, 6, pp. 195 and 198); and administrative matters: poor law (Atkinson, *Quarter Sessions Records*, 7, pp. 72-3, NYCRO/QSM/15/16.1.1676/7, NYCRO/QSM/16/2.10.1677 and NYCRO/QSM/18/21.1.1689/90), servants (NYCRO/QSM/14/19.7.1670), and apprentices (Atkinson, *Quarter Sessions Records*, 7, p. 122, *idem*, 9, p. 6, and NYCRO/QSM/19/9.4.1700).

⁴⁰ The scandalous words were uttered by William Stead's wife Maria. The only William Stead mentioned in the manorial rolls and parish registers at that time was the vicar who served in that capacity from 1638 until his death in 1682: Horsfall, *Manor of Well and Snape*, pp. 105-6 and 110-11; W1/f.57. The burials of three wives are recorded before the scandalous words were uttered but there is no record of a wife at that time: W1/f.54v and W1/f.55.

⁴¹ 15 Chas II c 2 and 6 Geo III c 48; Bushaway, *By Rite*, pp. 214-18.

allow^d the Towns Officers the Distance and Places under Named' entered in a Well account book about 1774.⁴² That the list of eight places given includes Richmond and Thirsk is not surprising for constables would have to travel there to the quarter sessions and no doubt journeys to Bedale and Masham would not be infrequent. But the list also includes Spennithorne, Thornton Watlass and Crakehall, places known to have had connections with the magistracy at that time.⁴³ Another reason for the reduction in manorial offences could be enclosure but unfortunately we have no direct evidence of this before the early eighteenth century: the first references to the enclosure of Langwith Common appear in Well hospital leases in 1709.⁴⁴ The 390 acres of Canswick Moor were not to be enclosed until 1753.⁴⁵ However, it seems not unreasonable to assume that some arable land had been enclosed before the enclosure of the common grazing and that this would have led to a reduction in presentments for breaches

⁴² PR/WEL/3/1, facing p. 41. Excluding expenses the officers were to be allowed 2s.6d for their journeys to Richmond, Thirsk and Spennithorne, sixpence when they travelled to Masham, and a penny when they went to Badger Hall, Thornton Watlass, Crakehall or Bedale, but 'The Expences [were] liable to be Tap'd or curtail'd by a Majority of the Jury present'. A similar memorandum recorded in 1739 is to be found in the Danby Parish Account Book: NYCRO/PR/DAN/3/1, p. 19.

⁴³ William Chaytor of Spennithorne and Matthew Dodsworth, a member of the Dodsworth family of Thornton [Watlass], were active justices at that time: Page, *Victoria History: North Riding*, 1, pp. 259 and 345; Atkinson, *Quarter Sessions Records*, 8, pp. 125, 129, 131, 135; *ibid*, 9, p. 237; and recognizances and warrants signed by one or both at NYCRO/QSB/1.11.1773, NYCRO/QSB/28.2.1774, NYCRO/QSB/14.4.1774, NYCRO/QSB/11.8.1774, NYCRO/QSB/6.10.1774, et seq. It would seem Crakehall appeared in the list because Matthew Dodsworth transacted business there: NYCRO/QSB/11.8.1774, a recognizance endorsed 'Acknowledged at Crakehall before me Matthew Dodsworth'. No links with the magistracy have been traced for Badger Hall, Carthorpe, the eighth place on the list.

⁴⁴ Lease 2/65 in May 1709 refers to 'the 27th lott in Langwith' and lease 2/69 in October 1709 refers to 2½ acres in Langwith common 'now to be enclosed'.

⁴⁵ 268 acres were in the manor of Snape and Well and 122 acres in the manor of Watlass. Atkinson, *Quarter Sessions Records*, 9, pp. 283-5; W.E. Tate, *A Domesday of English Enclosure Acts and Awards*, edited by M.E. Turner (Reading, 1978), p. 296.

of the regulations governing management of the common fields.⁴⁶ The successive reductions in offences presented were no doubt the result of all these factors operating in different combinations at different times. They were not peculiar to Snape and Well: for example, the four Lancashire courts studied by King experienced reductions in their work at much the same time.⁴⁷

It is not likely that the Snape and Well tenants and resiants in the late seventeenth century and early eighteenth century would perceive their court had started to decline. There had been a marked reduction in business and it dealt with a narrower range of offences but they continued to attend it much as their predecessors had and it continued to be quite active: it dealt with a couple of dozen offences or more each year, about a tenth of them public order and criminal and about three-quarters manorial. Only after the early eighteenth century when business fell again would it become obvious that the court was declining. The tenants and resiants seem to have noticed the deterioration for their attendance rates dropped and thus they too contributed to the failure of the court. But those of them who were jurors continued to lay their pains and present offenders, including ever more defaulters: this is illustrated by Table 43 which gives the court-related offences presented not only for the periods studied but also for the intervening decades in the eighteenth century.⁴⁸ The steady rise in

⁴⁶ In many parts of the North Riding enclosure 'began many generations - not to say two or three centuries - before "Enclosure Acts" were so much as even thought of': Atkinson, *Quarter Sessions Records*, 7, p. 197. It has been estimated that 34.0% of the North Riding had been enclosed by 1600: J.R. Wordie, 'The Chronology of English Enclosure, 1500-1914', *Economic History Review*, Second Series, 36 (1983), p. 490, Table 2.

⁴⁷ 'Early Stuart Courts Leet', p. 275. For the role in the decay of manorial courts of enclosure and the gradual appropriation of responsibilities by justices see Harvey, *Manorial Records*, p. 57

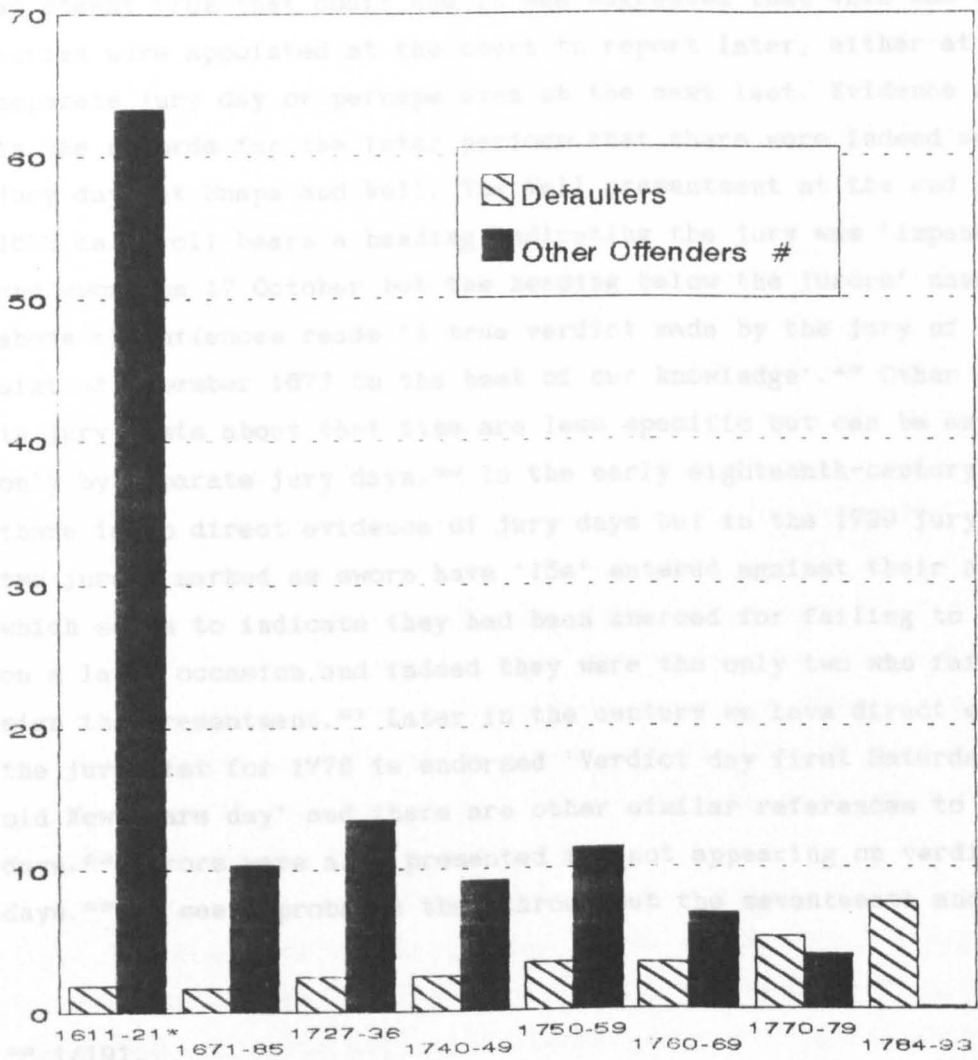
⁴⁸ A set of nine pains to be found at the end of the 1672 Well presentment includes amongst the more usual instructions a pain laid 'that none play at foot ball in Thomas Hauxwell Croft nor any other pastime': 1/189. There is also a single pain at the end of the 1683 Well presentment: 1/208. There are no pains in the extant records for the early eighteenth century but they are mentioned in several Snape presentments: 1/212, 1/228 and 1/236. The last pain in the extant records for the eighteenth century period was laid by the Snape jury in 1776 and dealt with unringed pigs: 1/409.

	Verdicts/ Presentments	Defaulters	Defaulters per Presentment	Other court- related offences
1611-21	38	34	0.9	17
1671-85	24	38	1.6	3
1727-36	20	48	2.4	5
1740-49	20	47	2.4	-
1750-59	20	65	3.3	4
1760-69	20	64	3.2	4
1770-79	12	61	5.1	5
1784-93	17	98	7.5*	3

* Includes entries deleted or marked 'excuse'.

Table 43. Court-related offences presented by the juries of Snape and Well 1611-21, 1671-85, 1727-36, 1784-93 and the intervening decades in the eighteenth century.

the mean number of defaulters per presentment can be seen clearly, the mean in the latest period being more than six times what it was in the earliest period. The absence of estreats for the later periods means the figures for other court-related offences are perhaps incomplete but they suffice to show the jurors continued to pursue such offenders while the court was in decline. The rise in defaulters reported while presentments for other offences fell is also brought home by Figure 4. The court was already failing before the appointment of the new steward whose arrival seems to have coincided with, and may have caused, a further reduction in manorial offences presented. Under his auspices all the defaulters presented were eventually excused and he seems to have recognized the court was near the end of its useful life. To the last the presentment jurors went through the motions and it is to them we turn next.



* The figures for 1611-21 have been doubled to produce annual figures suitable for comparison with later periods.

Includes entries deleted or marked 'excuse'. Court-related offences other than defaulters have been omitted.

Figure 4. Mean numbers of defaulters and other offenders in verdicts and presentments at Snape and Well 1611-21, 1671-85, 1727-36, 1784-93 and the intervening decades in the eighteenth century.

The Presentment Jurors, Foremen and Affeerors

It has already been noted that members of juries purporting to present offences at a given court were sometimes marked as absent from that court and it was suggested that this was because juries were appointed at the court to report later, either at a separate jury day or perhaps even at the next leet. Evidence emerges in the records for the later periods that there were indeed separate jury days at Snape and Well. The Well presentment at the end of the 1673 call roll bears a heading indicating the jury was 'impanelled' and sworn on 17 October but the heading below the jurors' names and above the offences reads 'A true verdict made by the jury of Well the sixt of december 1673 to the best of our knowledge'.⁴⁹ Other entries in jury lists about that time are less specific but can be explained only by separate jury days.⁵⁰ In the early eighteenth-century records there is no direct evidence of jury days but in the 1729 jury list two jurors marked as sworn have '15s' entered against their names which seems to indicate they had been amerced for failing to attend on a later occasion and indeed they were the only two who failed to sign the presentment.⁵¹ Later in the century we have direct evidence: the jury list for 1778 is endorsed 'Verdict day first Saturday after old New Years day' and there are other similar references to verdict days.⁵² Jurors were also presented for not appearing on verdict days.⁵³ It seems probable that throughout the seventeenth and

⁴⁹ 1/191.

⁵⁰ In the 1676 jury list John Braithwaite was marked 'c' and 'Jur' which shows that he was present and took the oath when appointed but he is also shown to have been fined twenty shillings because he declined to take the oath which must have been on another occasion: 3/121. In 1686 William Mitchell of Snape was presented because 'he swore to inquire &c to this court for not attending with his fellow jurors although warned in writing to render a verdict': he must have attended to be sworn and therefore his failure to attend must have been later; Francis Topham of Snape was presented similarly: 3/143. Jurors were also sworn twice: 3/134; sometimes with separate attendance marks: 3/142; and men marked as attending were also marked as absent: 3/112, 3/124, 3/128 and 3/133.

⁵¹ 1/218 and 1/219.

⁵² 1/417, 1/423 ('last Saturday in Dec'), 1/427 ('first Friday in Jan') and 1/450 ('6 Jan').

⁵³ 1/340 (3rd day of Jan'), 1/413 ('29th Nov'), 1/444, 1/459, 1/461, 1/462 and 3/120.

eighteenth centuries it was the practice at Snape and Well for the juries to meet and prepare their presentments some weeks after they were first sworn. But there is nothing in the extant early seventeenth-century formal rolls or, with the one exception quoted above, the pre-1778 presentments to indicate this was the case.⁵⁴ Although the juries produced their presentments some weeks after their appointment they continued to serve as jurors until the next jury was sworn at the following leet.⁵⁵

We have seen that at Snape early in the seventeenth century the tenants dominated the presentment juries, the few non-tenant jurors being tenants-to-be. The net was cast quite widely for during the period studied none of the jurors served on every jury, 52.6% of the male tenants served as jurors and they served on a mean of 7.9 of the six-monthly juries each. Perhaps because the court used four affeerors almost half of the jurors (46.3%) served in this capacity but some served more often than others. Service as foreman was more exclusive. Over the next 150 years this was to change: service as a juror was concentrated in ever fewer hands and some served on every jury, service as foreman became even more exclusive, and when the court used separate affeerors they tended to be of the better sort.

In the late seventeenth century Snape presentment jurors continued to be chosen from the tenant body but the grip of the tenants was not quite as tight as it had been fifty years before: the jurymen in Table 44 include three tenants-to-be and three

⁵⁴ Harrison found an example at Cannock and Rugeley, Staffordshire, of a jury being given a month but the record in the engrossed roll did not show it: 'Social and Economic History of Cannock and Rugeley', p. 136. Bennett interpreted jurors being fined for their absence as evidence that they had been elected before the actual sitting but the North Riding and Staffordshire examples offer another explanation: *Life on the English Manor*, p. 210.

⁵⁵ Some jury-list headings indicate appointments were for a year, for example 3/133 and 3/134. The Arncliffe court 'Direcons' of 1740 assert that 'It is not proper for a Jury sworn at a former Court to present anything at the following Leet but let the Jury give in their presentm^t at the same Court they are sworn at and present only what have happened since the last Court': NYCRO/ZFL/119.

	Listed	Juror (13 juries)	%	Foreman	Affeeror
George Cole	13	13	100.0		
Thomas Savile	13	13	100.0	1	
John Horner	10	10 + 3	100.0		
Richard Lambert	6	6	100.0	1	
George Crowe	2	2	100.0	1	
William Gatenby jun	2	2	100.0		
Richard Wetherell	5	4 + 3	87.5		
John Lambert	7	6	85.7		
John Savile jun	7	6	85.7		
James Wilson	6	5	83.3	1	
Richard Gatenby	5	4	80.0		1
Peter Whitehead	4	3	75.0		
William Gatenby sen	13	9	69.2	7	2
Robert Warton	12	8	66.7	1	
John Hutchinson	9	6	66.7		
John Savile sen	9	6	66.7	1	
William Stout	13	8	61.5		
John Gatenby	13	7	53.8		1
William Harrison	13	7	53.8		
Matthew Reynold	12	6	50.0		
Edmund Savile	6	3	50.0		
John Gill	1	0 + 1	50.0		
John Savile joiner	13	6	46.2		
Thomas Thompson	13	6	46.2		
John Robinson	7	3	42.9		
William Thompson	12	4	33.3		
Leonard Danby	3	1	33.3		1
Robert Gatenby	3	1	33.3		
Thomas Dobby	13	4	30.8		
Robert Horner	13	4	30.8		
William Hutchinson	13	4	30.8		
Henry Savile	13	3	23.1		
Christopher Frear	12	2	16.7		
George Cooke sen	13	2	15.4		
John Scott	13	2	15.4		
Thomas Stout	13	2	15.4		
John Dobby	7	1	14.3		
Peter Leadley	8	1	12.5		
John Brathwaite	9	1	11.1		
Edward Reynold	9	1	11.1		
James Thompson	12	1	8.3		

Resiants:-

William Mitchell	2 + 2
Christopher Hunton	2
Christopher Raper	1

Additions to the 'Juror' column give the numbers of times tenants-to-be and resiants served when unlisted and to avoid distortion the percentages have been calculated as if they had been listed.

Table 44. Snape presentment jurors, foremen and affeerors 1672-84.

resiants who served fourteen times in all.⁵⁶ Although resiants occasionally acted as jurors they were kept in their places by being listed almost invariably at the end of the lists.⁵⁷ Despite these slightly slacker arrangements membership was still as exclusive as it was, if not more exclusive: the forty-four men listed in the table include only 42.7% of the male tenants listed at that time and they served on the annual juries a mean of 4.6 times each in thirteen years. A smaller proportion of the tenants now served longer if allowance is made for the leets being held annually and they included half a dozen men who served on every jury while they were listed.

The name of the foreman is available for every Snape presentment jury in the late seventeenth-century period, either because the jury lists give it specifically or because the foreman was sworn separately first.⁵⁸ Table 45 shows that from 1672 to 1676 there was a different foreman each year when, with the odd exception, other past or future foremen were members of the juries: it would seem that at this time several potential foremen were treated as equals. But from 1677 to 1684 William Gatenby was dominant, being foreman of the six juries of which he was a member: he was a tanner who was described as a gentleman in the 1684 jury list and he was clearly treated as the senior man.⁵⁹ Gatenby also appeared on both of the occasions for which we have afferors, perhaps *ex officio* as foreman, but the other past and future chairmen did not. In 1673

⁵⁶ No jury lists are available for 1671 and 1685. In the early seventeenth-century period the size of Snape and Well juries varied from twelve to nineteen but most juries comprised fifteen men (55.8%); in the late seventeenth-century period every jury was composed of fifteen men except those for Snape in 1675 and 1678 which had sixteen: 3/120 and 3/128 (there are only thirteen names on document 3/104 but it is torn); in the early eighteenth-century period eight of the ten Snape juries and six of the ten Well juries comprised thirteen men and the other juries had one more member; and in the late eighteenth-century period every jury comprised thirteen men except for the Well jury of twelve in 1788: 1/451.

⁵⁷ In lists of fifteen Hunton was fifteenth twice, Raper fourteenth, and Mitchell thirteenth twice, fourteenth once and eighth once.

⁵⁸ In every case where the foreman is named as such he is always the man who was sworn separately first. For advice on swearing a jury 1:4:4:4 see Kitchin, *Jurisdictions*, p. 12, and Jacob, *Complete Court-Keeper*, p. 31; cf. Scroggs, *Practice of Courts Leet*, p. 169, where he advises swearing one by one.

⁵⁹ 2/26 and 3/140.

	1672	73	74	75	76	77	78	79	80	81	82	83	84
John Savile	F	m	m	m	m	-	m	-	-	Dead ⁶⁰			
William Gatenby	m	F	m	-	-	F	-	F	F	-	F	F	F
Richard Lambert	m	m	F	m	m	m	Dead ⁶⁰						
George Craue	-	-	m	F	Dead ⁶⁰								
James Wilson	m	m	m	-	F	-	m	Dead ⁶⁰					
Thomas Savile	m	m	m	m	m	m	F	m	m	m	m	m	m
Robert Warton	m	m	-	m	m	m	-	m	m	F	-	-	-

F = foreman
m = member
- = not a member

Table 45. Snape jury foremen 1672-84.

he was joined by John and Richard Gatenby for whom there is no evidence in the Well registers of any relationship with him.⁶¹ In 1684 he was joined by Leonard Danby, a recent addition to the tenant list for whom there are no indications of a connection with the free-tenant Danbys of Thorpe Perrow, but he was described as a gentleman on the jury list.⁶² That we have only two sets of Snape affeerors could be because the presentments were not affeered by individuals the other years: the presentments for both villages for the three years 1680 to 1682 include entries showing that the whole jury affeered the ameracements. This was unorthodox but not unknown

⁶⁰ Savile: 'mort' 3/136; Lambert: W1/f.55; Craue: W1/f.54; Wilson: married Bridget (W1/f.53) who succeeded him as his widow from 3/136.
⁶¹ 1/192; W1/f.13v and W1/f.14, both baptized sons of Robert Gatenby.
⁶² 3/140.

elsewhere.⁶³

In the early eighteenth century period studied both the men who served as Snape jurors when not included in the combined call lists were to be listed during the decade.⁶⁴ Table 46 is noticeably shorter than the previous similar table which contained forty-four names: only thirty-four of the hundred men listed at some time during the decade served as jurors. The proportion is smaller than the proportion of tenants who had served fifty years before (42.7%), perhaps because of the inclusion of residents in the lists. But it is clear that service was restricted to fewer men because the early eighteenth-century jurors served a mean of 3.9 times each in ten years whereas their predecessors, tenants and residents, had served a mean of 4.6 in thirteen years, the equivalent of 3.5 in ten years.

The exclusivity did not extend to the jury foremen listed in Table 47. Eight men led the juries in ten years. Lancelot Crow, who was foreman of the first two juries in the table, was the father of the George Crowe who was foreman of the last two juries but otherwise there are no indications that the role was the preserve of any individual or family. The first time George served as foreman he was unlisted, probably farming with his widowed mother, Susanna, who had succeeded Lancelot in the lists from 1729.⁶⁵ John Gatenby and another George Crow were the only affeerors named during the decade.

⁶³ The whole jury sometimes affeered at Acomb, York, at Sutton and Dunston, West Sussex, and at Redgrave, Suffolk: H. Richardson (ed.), *Court Rolls of the Manor of Acomb Vol. 1*, (Yorkshire Archaeological Society Record Series 131 1969), p. vi; Leconfield, *Sutton and Dunston Manors*, p. 7; Dawson, *History of Lay Judges*, p. 261. In 1588 Coke had expressed his opinion that the practice was acceptable but in 1684 the courts decided it was not; in 1689 and 1706 the courts confirmed that affeerment was not necessary if the jury had fixed the amount of the amercement: Griesley's Case (1588) and *Evelin v Davies* (1684) cited at Dawson, *History of Lay Judges*, p. 261; *Matthews v Carey* (1689) and *Brook v Hustler* (1706) cited at Hearnshaw, *Leet Jurisdiction*, Appendix 3. Affeerors served at Snape and Well in 1727 but not otherwise about that time: 1/211 and 1/212. The last affeerors at Snape and Well seem to have been sworn in 1769: 1/385.

⁶⁴ Because we have no separate lists of tenants and residents we cannot know whether the eighteenth-century juries included residents.

⁶⁵ W2/f.1v and W2/f.9v. George Crow was presented for a drainage offence in 1732: 1/231. He took over from his mother from 1736 when he was almost thirty years old.

	Listed	Juror (10 juries)	%	Foreman	Affeeror
William Parker	10	10	100.0	1	
William Scott	10	10	100.0	1	
Francis Chambers	5	5	100.0		
George Crowe (2)	1	1 + 3	100.0	1 + 1*	
William Baynes	3	3	100.0		
Christopher Atkinson	2	2	100.0		
George Crowe (1)	2	2	100.0		1
Lancelot Crowe	2	2	100.0	2	
Christopher Metcalfe	1	1	100.0		
John Metcalfe	1	1	100.0		
Richard Petch	10	9	90.0		
Thomas Plummer	10	8	80.0		
Christopher Norfolk	10	7	70.0	1	
John Shepherd	10	7	70.0		
Robert Gatenby	6	4	66.7		
William Lunt	6	4	66.7		
George Heslopp jun	10	6	60.0		
William King	5	3	60.0	1	
Philomen Rooke	3	1 + 1	50.0		
George Metcalfe	9	4	44.4		
George Heslopp sen	10	4	40.0	1	
John Lambert	10	4	40.0		
Francis Thompson	10	4	40.0	1	
Chris. Atkinson jun	8	3	37.5		
Christopher Gatenby	8	3	37.5		
Matthew Firby	10	3	30.0		
John Savile	10	3	30.0		
George Ward	10	3	30.0		
Christopher Sharp	8	2	25.0		
William Pratt	4	1	25.0		
Thomas Court	10	2	20.0		
William Exelby	10	2	20.0		
Christopher Raper	10	2	20.0		
Paul Wetherell	10	2	20.0		
John Gatenby	10	-	-		1#

* George Crowe (2) served as foreman in 1735 when not listed

John Gatenby served as an affeeror in 1727 when he was not a juror.

Additions to the 'Juror' column give the numbers of times persons to be listed served when unlisted and to avoid distortion the percentages have been calculated as if they had been listed.

Table 46. Snape presentment jurors, foremen and affeerors 1727-36.

	1727	28	29	30	31	32	33	34	35	36
Lancelot Crowe	F	F	dead ⁶⁶							
Francis Thompson	-	m	F	m	m	-	-	-	-	-
William Parker	m	m	m	F	m	m	m	m	m	m
William Scott	m	m	m	m	F	m	m	m	m	m
George Heslopp sen	m	m	-	-	-	F	-	m	-	-
Christopher Norfolk	m	m	m	-	-	-	F	m	m	m
William King						-	-	F	m	m
George Crowe (2)							m*	m*	F*	F

F = foreman
 m = member
 - = not a member

* unlisted

Table 47. Snape jury foremen 1727-36.

This Crowe was the father and grandfather of Lancelot and George Crow, the jury foremen. The Well hospital leases reveal that he was a yeoman at the time of his death, his two sons were yeomen, three of his daughters married yeomen and he seems to have been one of the better-off in Snape.⁶⁷ Gatenby was a tanner and the heir of William Gatenby the tanner who was the dominant Snape foreman fifty years before. There is no evidence of his status but perhaps his connection with William Gatenby suffices to show that he too was not a run-of-the-mill tenant in Snape. He was selected to serve as an affeeror although he was not a member of the jury.⁶⁸

⁶⁶ W2/f.9v.

⁶⁷ 2/19, 2/20, 2/21, 2/128, 2/130 and 2/132.

⁶⁸ Dawson found references to separate affeerors were rare at Redgrave, Suffolk, before the function appeared to have fused in the jury by the sixteenth century; King found that at Prescott, Lancashire, affeerors 'usually also served as jurors' so apparently sometimes they did not: Dawson, *History of Lay Judges*, pp. 192 and 261; King, 'Leet Jurors', p. 318. We will find that at Danby, North Riding, the affeerors were consistently not members of the jury.

	Listed	Juror (9 juries)	%	Foreman
William Wilkinson	3	3	100.0	
Joseph Crow	3	3 + 4	100.0	
John Egglestone	10	9	90.0	
John Hawxwell	10	9	90.0	
Thomas Lamb	10	9	90.0	
William Peacock	10	9	90.0	
Thomas Ward	10	9	90.0	
John Egging	6	5	83.3	
Francis Chambers	10	8	80.0	
John Topham	10	8	80.0	
Richard Strangeways	3	2	66.7	2
Christopher Gatenby	10	6	60.0	
William Heslopp	10	6	60.0	3
Mr Anthony Hanby	4	2	50.0	1
Robert Hanby	2	1	50.0	1
William Chapman	10	4	40.0	
Christopher Palliser	10	4	40.0	
George Heslop	10	3	30.0	
James Bell	10	2	20.0	
William Lamb	10	2	20.0	
Christopher Metcalfe	10	2	20.0	
John Wetherill	10	2	20.0	
William Metcalfe	10	1	10.0	
Not listed:-				
Mr William Hanby		2		2
John Chambers		1		
Thomas Gatenby		1		

The addition to the 'Juror' column gives the number of times a person to be listed served when unlisted and to avoid distortion the percentage has been calculated as if he had been listed.

Table 48. Snape presentment jurors and foremen 1784-93.

Only twenty-six men appear in Table 48 which lists the Snape jurors in the late eighteenth-century period, eight less than in the equivalent table for earlier in the century. One man served four times before he was enrolled and three men who were not enrolled during the period served four times in all. But again the jurors were drawn for the most part from the men in the Snape call rolls. The listed jurors represent only 18.9% of the 122 men listed at some time during the decade, substantially less than the proportion of enrolled men who served earlier in the century (34.0%). They served a mean of 4.5 times each on the nine juries for which we

	1784	85	86	87	88	89	90	91	92	93
Richard Strangeways	F	F	-	dead ⁶⁹						
William Heslopp	-	m	F		F	-	-	m	F	m
Anthony Hanby					m	F	-	-	dead ⁶⁹	
William Hanby							F	F	to Well	
Robert Hanby									-	F

F = foreman
m = member
- = not a member

Table 49. Snape jury foremen 1784-93.

have a record, the equivalent of 5.0 times each in ten juries, which is more than the mean of 3.9 achieved by their opposite numbers fifty years before. Service on Snape juries was concentrated in even fewer hands.

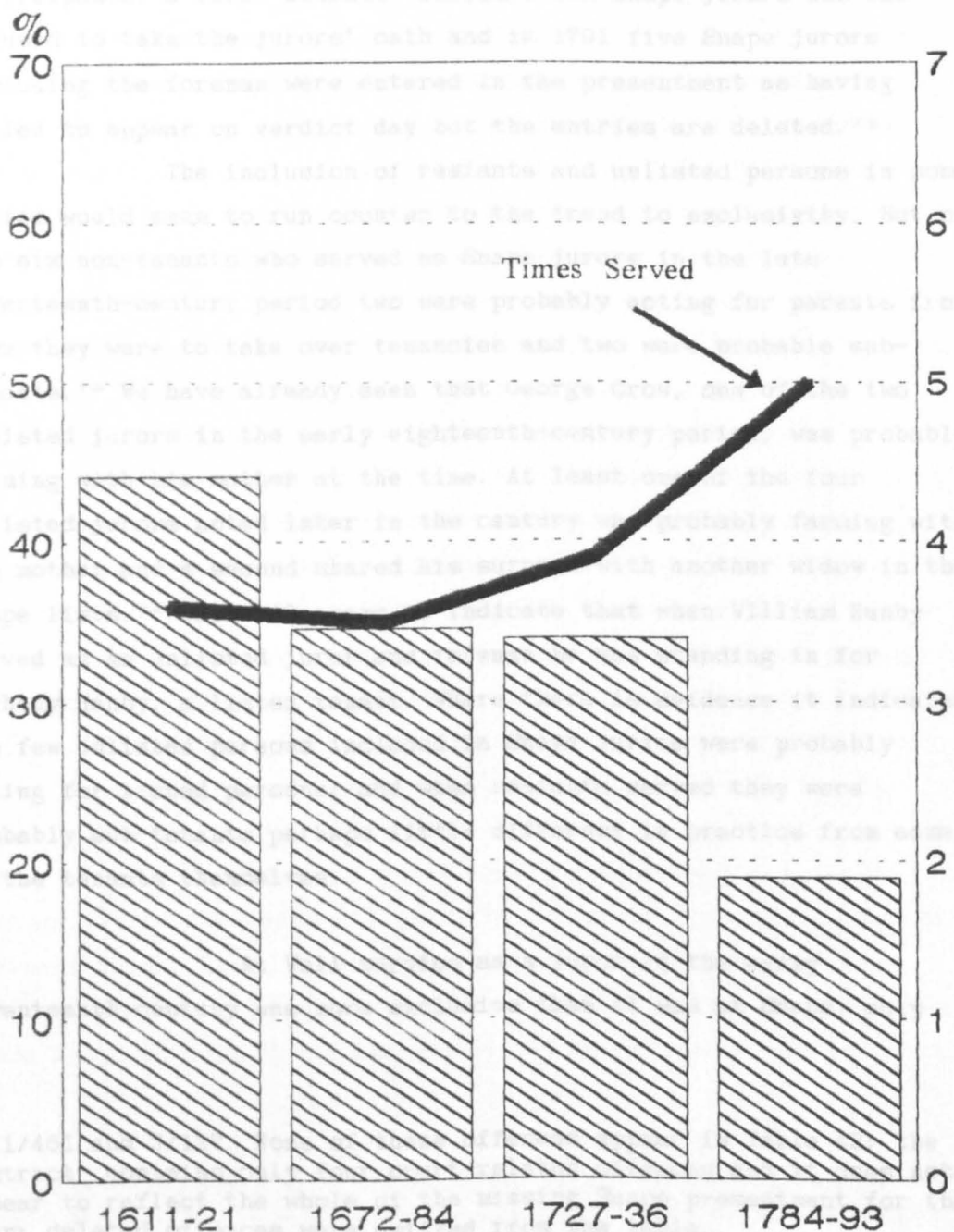
Five men served as foremen in the later period as shown in Table 49. Richard Strangeways of Snape Hall, Anthony Hanby who succeeded him there, and two other Hanbys acted as foremen of six of the nine extant juries.⁷⁰ They included Mr William Hanby who was not listed at Snape yet was foreman of both the juries on which he served.⁷¹ William Heslopp was a foreman three times but only once of a jury containing a Hanby; he served under three of the occupants of Snape Hall and seems to have deferred to them.

Figure 5 shows how the proportion of listed males who served as jurors fell to less than half what it had been and how the mean number of times each juror would serve in ten years rose by over a third (38.9%). The concentration of jury service in fewer hands is clear: the pool of jurors was less 'large' than it was. But members of the contracting circle of jurors were not always willing

⁶⁹ W5/f.4v and W5/f.11v.

⁷⁰ Horsfall, *Manor of Well and Snape*, p. 197; Wf/f.4v and Wf/f.11v.

⁷¹ William Hanby was to marry a Well girl and was to be listed at Well where he also served as a juror: 1/458, 1/463, 1/465, 1/471 and W3/18.2.1792.



Resiants are included in the seventeenth-century figures

The mean numbers of times each juror served have been adjusted to make them comparable, the base used being ten years.

Figure 5. The proportions of men listed at Snape who served as Snape jurors and the mean number of times each would serve 1611-21, 1672-84, 1727-36 and 1784-93.

participants: a 1678 'extract' includes two Snape jurors who had refused to take the jurors' oath and in 1791 five Snape jurors including the foreman were entered in the presentment as having failed to appear on verdict day but the entries are deleted.⁷²

The inclusion of resiants and unlisted persons in some juries would seem to run counter to the trend to exclusivity. But of the six non-tenants who served as Snape jurors in the late seventeenth-century period two were probably acting for parents from whom they were to take over tenancies and two were probable sub-tenants.⁷³ We have already seen that George Crow, one of the two unlisted jurors in the early eighteenth-century period, was probably farming with his mother at the time. At least one of the four unlisted jurors noted later in the century was probably farming with his mother and a second shared his surname with another widow in the Snape lists.⁷⁴ Table 49 seems to indicate that when William Hanby served as an unlisted juror and foreman he was standing in for Anthony Hanby, a listed tenant. Where there is evidence it indicates the few unlisted persons included in Snape juries were probably acting for listed persons; and when resiants served they were probably sub-tenants perhaps little different in practice from some of the tenants themselves.

At Well service as a juror in the early seventeenth century was more exclusive than it was at Snape: only

⁷² 1/461 and 3/127. None of these offences appear in Table 42: the 'extract' contains only four court-related offences and it does not appear to reflect the whole of the missing Snape presentment for that year; deleted offences were omitted from the table.

⁷³ John Gill also served as a constable when unlisted before he took over from the widow Ann Gill: 1/139 and 1/141; John Horner also served as a bilawman before he took over from Robert Horner: 1/119 and 1/123; before he was listed Richard Wetherell was amerced for not 'clenceinge his water sure [ditch]' and a tenant was amerced for making a way across his close: 1/194 and 1/196; the resiant William Mitchell was also amerced for failing to scour a water course: 3/143.

⁷⁴ Joseph Crow also served twice as a constable when unlisted, he was described as both a labourer and a farmer at the time of his unlisted service and was to be added to the lists immediately below the widow Rosey Crow: 1/455, 1/457, 1/464 and W5/f.14; John Chambers was perhaps the son of the widow Margaret Chambers: 1/442. Thomas Gatenby could have been related to any of several listed Gatenbys.

about a third (36.1%) of the male tenants there served as jurors and they served on a mean of 8.7 six-monthly juries each. But, as at Snape, the grip of the tenants loosened later that century: at forty-eight the number of jurors listed in Table 50 is twelve more than in Table 16 and they include two free tenants at Upsland, one Well resiant and a man who was not listed at Well. The net was also cast wider amongst the tenants themselves: 46.3% of the male tenants listed at some time during the period served as jurymen. The jurors served a mean of 4.6 times, the equivalent of 3.1 times in ten years, which was less than their predecessors earlier in the century. Although the choice of jurors at Well was less exclusive at the close of the seventeenth century it seems the choice was not treated as being wholly unrestricted. Unlisted persons served only when representing a member of the family or when sub-tenants.⁷⁵ The exception was John Scott who served three times as a Well juror but who does not otherwise appear in the Well records: he was perhaps the John Scott listed as a tenant at Snape who lived at Canswick Moor and therefore in neither village.⁷⁶ The tendency for non-tenant jurors to appear at the bottom of Snape jury lists is repeated in the Well lists.⁷⁷

Table 51 shows that seven men acted as jury foremen in fifteen years and there is no evidence that any one was dominant at any time. Each of the fifteen juries contained as ordinary members never less than three past or future foremen and there is no pattern of ascendancy in the sequences.⁷⁸ Little is known

⁷⁵ Thomas Brown for the widow Beatrice Brown: 3/109, 3/125 and 3/136; Edward Blakelocke as a resiant for his father-in-law Michael Scotson: W1/f.31, 3/125 and 3/136; Robert Harrison for his father-in-law Edward Blakelocke: W1/f.56v and 3/141; John Hunter and William Brathwaite as sub-tenants: 1/192, 3/114 and 3/123.

⁷⁶ W1/f.58; Horsfall, *Manor of Well and Snape*, p. 158, footnote 1.

⁷⁷ In lists of fifteen Brown was twelfth, thirteenth and fifteenth; Blakelock was ninth and fourteenth; Hunter was thirteenth and fifteenth; Harrison and Scott were added to the bottom of the 1683 list and Scott was thirteenth and fourteenth in his other appearances. Only the resiant Brathwaite seems to have been given the same status as other jurors for he was seventh, eighth and tenth.

⁷⁸ In every case but one the foreman is named as such, sworn first or both. In 1671 John Brathwiate was listed first and is assumed to have been foreman notwithstanding the absence of marks indicating he was sworn separately: 3/104.

	Listed	Juror (15 juries)	%	Foreman	Affeeror	Appraiser
William Atkinson	15	15	100.0	1	1	
Robert Birkdale jun	14	14	100.0			1
Richard Smith	13	13	100.0	4	2	1
Thomas Brown	8	8 + 3	100.0			1
William Reynoldson	8	8	100.0			
Marm. Hauxwell jun	7	7	100.0			1
Robert Harrison	2	2 + 1	100.0			
Thomas Hauxwell	15	13	86.7	4	1	4
Simon Scope	6	5	83.3			
Marm. Hauxwell sen	8	6	75.0	1		
John Bridgewater	15	11	73.3			
William Myers	15	11	73.3			2
Mathew Hauxwell	9	6	66.7			1
John Reynoldson	14	9	64.3			1
John Brathwaite	8	5	62.5	2	2	1
John Hunter	12	6 + 2	57.1			
John Clarkson	15	8	53.3	1	1	
John Gill	15	8	53.3	2		
Robert Simeson	6	3	50.0			
Richard Hauxwell	7	3	42.9			1
Francis Ingram	8	3	37.5			
Leonard Bedfordth	15	5	33.3			
Richard Lumley	15	5	33.3			
John Wilson jun	3	1	33.3			
Henry Wilson	10	3	30.0			1
Roger Bateman	14	3	21.4			
Cuthbert Mudd	14	3	21.4			
Robert Lumley	15	3	20.0			1
William Thompson	15	3	20.0			
Edward Blakelocke	13	1 + 2	20.0			
George Holmes	10	2	20.0			
Aaron Jackson	5	1	20.0			
Robert Johnson	5	1	20.0			
Francis Key	5	1	20.0			
John Toes	6	1	16.7			
Richard Johnson	13	2	15.4			
Richard Turley	8	1	12.5			
William Reynold	9	1	11.1			
John Askwith	10	1	10.0			
William Bridgewater	10	1	10.0			
Edmund Savile	10	1	10.0			
John Smorthwaite	10	1	10.0			1
John Geldart	15	1	6.7			
Mathew Smith	15	1	6.7			1
William Brathwaite	Resiant	3				1
John Scott	Not listed	3				
Michael Meeke and John	Other	1 each				

Additions to the 'Juror' column give the numbers of times tenants-to-be served when unlisted or listed as resiants and to avoid distortion the percentages have been calculated as if they had been listed

Table 50. Well presentment jurors, foremen, affeerors and appraisers 1671-85.

1671 72 73 74 75 76 77 78 79 80 81 82 83 84 85

John Brathwaite	F	m	F	m	-	-	-	m	No longer listed					
Thomas Hawxwell	m	F	m	m	m	m	m	F	-	m	-	m	F	F
Richard Smith	m	m	m	F	m	F	m	F	m	F	m	m	m	m
Marm. Hauxwell sen	m	m	m	m	F	m	-	-	Dead ⁷⁹					
William Atkinson	m	m	m	m	m	m	F	m	m	m	m	m	m	m
John Gill	m	m	-	-	-	-	-	m	m	m	F	F	-	-
John Clarkson	-	-	-	-	-	m	m	m	-	-	m	m	F	m

F = foreman
 m = member
 - = not a member

Table 51. Well jury foremen 1671-85.

about the late seventeenth century affeerors but the three sets of affeerors available were drawn exclusively from the ranks of the foremen and each set included that year's foreman. John Clarkson and Thomas Hauxwell were described as yeomen but otherwise we have no evidence of the status of these men.⁸⁰ The foremen and affeerors were drawn from the men at the top of the jury table, the men who served most often. The sample of inventories at Bedale Museum shows there was also a tendency for the men at the top of the table to provide the inventory appraisers: some appraisers appear further down the list and a few never served as jurors but most served regularly. Thomas Hauxwell, the regular foreman, helped produce four of the inventories in the sample, five if we include an inventory before the period studied. His fellow regular foreman Richard Smith was an appraiser three times in all. Clearly the responsibilities of some of

⁷⁹ W1/f.55v.

⁸⁰ 1/191, 1/209, 2/17, 2/27, 2/28, 2/48, 2/50 and 3/118; Horsfall, *Manor of Well and Snape*, pp. 221-2.

the busiest jurors were not restricted to the manorial court.⁸¹

After the changes described above the choice of jurors at Well was much the same at the end of the seventeenth century as it was at Snape. But whereas the first signs of Snape jury service being concentrated in fewer hands could be detected early in the eighteenth century the position at Well changed little: the proportion of men listed at some time who served as jurors was 39.8%, much the same as the proportion of tenants and residents who had served fifty years before (38.3%); at 3.1 the mean number of times each juror served was the same; the use of unlisted persons continued to be very much the exception and the few named in Table 52 were either soon to be listed or members of families otherwise represented in the lists.⁸²

With one exception there are no indications in Table 53 of any jury foreman taking precedence over any other foreman. Each of the first four men listed served on juries of which the other three were foremen and the fifth man listed served under three of his colleagues. The exception was Mr John Strangeways who was foreman of the only jury on which he served during the decade, a jury which included two former foremen. Strangeways, designated a gentleman in two hospital leases, had come to live at Well Hall in 1732 and was a deputy master of the hospital until his death in 1749.⁸³ The only affeerors recorded in the decade did not include that year's foreman. John Dobson had been designated a yeoman some

⁸¹ Well inventories 5-18 at Bedale Museum. Only William Myers, a regular juror who did not serve as foreman during the fifteen years, acted as an appraiser as often as Hauxwell and Smith, four times in all. Appraisers could not be included in the Snape table because the sample included only one inventory in the period studied.

⁸² Michael Grainger served the year before he was first listed: 1/222. Simon Johnson, John Johnson, Christopher Houseley and John Walbron all served in other offices, committed agricultural offences and appear to have been farming with listed parents, the widows Mary Johnson and Mary Walbron and the yeoman Abraham Houseley respectively. Simon Johnson was twice described as a yeoman at the time. Simon Johnson: W2/f.9v, 1/230, 1/239, 1/242, 1/244, 1/248, 1/249, 2/137, 2/140 and PR/WEL/3/1 facing p. 4; John Johnson: W2/f.2, 1/248 and 1/249; Houseley: W2/f.5, W2/f.5v, W2/f.11, 1/235, 1/240, 1/244, 1/246, 1/248, 1/249 and 2/88; Walbron: W2/f.3v, W2/f.13, 1/246, 1/248, 1/249 and 2/109.

⁸³ 2/137 and 2/138; Horsfall, *Manor of Well and Snape*, pp. 134 and 194.

	Listed	Juror (10 juries)	%	Foreman	Affeeror
John Dobson	10	10	100.0	1	1
Thomas Hauxwell	10	10	100.0	3	
Christopher Loftas	8	8	100.0		
John Walbron sen	8	8	100.0	2	
Simon Johnson sen	2	2	100.0		
William Smith	1	1	100.0		1
John Reynoldson	10	9	90.0	2	
William Tirllass	10	9	90.0		
John Clarkson	10	8	80.0		
Abraham Housley	10	6	60.0		
Francis Shotton	10	5	50.0		
Edmund Smith	10	5	50.0	1	
Chrstopher Hawxwell	8	4	50.0		
John Chapman jun	4	2	50.0		
Michael Grainger	4	1 + 1	50.0		
Augustin Harrison	2	1	50.0		
Thomas Shotton jun	2	1	50.0		
George Todd	9	4	44.4		
Henry Cass	10	4	40.0		
William Shotton	10	3	30.0		
Brian Smith	7	2	28.6		
Roger Bridgewater	4	1	25.0		
Thomas Shotton sen	8	2	25.0		
Mr John Strangeways	4	1	25.0	1	
William Barker	10	2	20.0		
John Binks	10	2	20.0		
John Buck	10	2	20.0		
John Chapman sen	10	2	20.0		
John Wilson	10	2	20.0		
George Fleeming	8	1	12.5		
Christopher Hunter	8	1	12.5		
Christopher Scurrah	8	1	12.5		
Robert Heslopp	10	1	10.0		
Thomas Mudd sen	10	1	10.0		
Richard Sickling	10	1	10.0		

Free tenant:-

William Williams 1

Not listed:-

Christopher Houseley 4

Simon Johnson (2) 3

John Johnson 1

John Walbron (2) 1

The addition to the 'Juror' column gives the number of times a person to be listed served when unlisted and to avoid distortion the percentage was calculated as if he had been listed.

Table 52. Well presentment jurors, foremen and affeerors 1727-36.

	1727	28	29	30	31	32	33	34	35	36
John Reynoldson	F	m	m	m	m	F	m	m	-	m
John Walbron	m	F	m	m	F	m	m	m	dead ⁸⁴	
Thomas Hawxwell	m	m	F	m	m	m	F	m	m	F
John Dobson	m	m	m	F	m	m	m	m	m	m
Edmund Smith	-	-	-	-	m	m	m	F	-	m
Mr John Strangeways								-	-	F -

F = foreman
m = member
- = not a member

Table 53. Well jury foremen 1727-36.

seven years before but at the time he affeered he was a miller.⁸⁵ Smith was a cooper who in 1719 witnessed the lease of land by a local charity and who in 1723 was a trustee of the workhouse so it seems reasonable to assume he was not one of the lesser residents in Well.⁸⁶

We have seen there was little difference in the choice of Well jurors late in the seventeenth century and early in the eighteenth century. The change by the end of the eighteenth century could hardly be more marked. There is a clear division in Table 54 between the men who served only occasionally and the men who served very regularly, nine of them on every jury of which we have a record. In juries thirteen-strong the same ten men appeared repeatedly. Twice the juries were identical in consecutive years.⁸⁷ Only 21.4% of the men listed at Well during the decade served as

⁸⁴ W2/f.13.

⁸⁵ W2/f.5, 1/211, 2/110 and 2/152. In 1724 Dobson leased from Well hospital the malkiln in Well with liberty to enlarge it into the waste and to convert it into a dwellinghouse: the conversion of these buildings into houses is not a twentieth-century phenomem: 2/110.

⁸⁶ W2/f.9, PR/WEL/3/1 p. 4; Horsfall, *Manor of Well and Snape*, p. 210.

⁸⁷ The juries for 1784 and 1785 and the juries for 1790 and 1791.

	Listed	Juror (9 juries)	%	Foreman
Thomas Hawxwell	6	6	100.0	
William Hanby	2	2	100.0	
John Lyon	2	2 + 1	100.0	
Joseph Clarkson	10	9	90.0	
William Exelby	10	9	90.0	
Robert Fleeming	10	9	90.0	
Richard Johnson	10	9	90.0	
William Pybus	10	9	90.0	
John Sayer	10	9	90.0	9
John Walbron	10	9	90.0	
William Walbron	10	9	90.0	
Edmund Ward	10	9	90.0	
Simon Johnson	8	7	87.5	
Edward Hare	9	5	55.6	
William Dobson	10	4	40.0	
George Prest	10	4	40.0	
Thomas Annell	4	0 + 1	20.0	
Richard Cleasby	10	1	10.0	
Free tenant:-				
Thomas Hare		1		
Unlisted:-				
Richard Lofthouse		1		

Additions to the 'Juror' column give the numbers of times persons to be listed served when unlisted and to avoid distortion the percentages have been calculated as if they had been listed.

Table 54. Well presentment jurors and foreman 1784-93.

jurors, about half the proportion fifty years before (39.8%). The jurors served a mean of 5.8 times each, the equivalent of 6.4 times in ten years and more than twice as often as their predecessors half a century earlier (3.1). Of the three men who served when not listed two were probably related to listed widows and the other was listed the following year.⁸⁸ But as at Snape it would seem not all the men in the limited pool were always willing participants: three times

⁸⁸ Christopher Lofthouse was listed until marked 'dead' the very day he was buried in October 1790, a farmer aged 91 years; he was succeeded in the call rolls by his widow Elizabeth and it was perhaps not a coincidence that Richard Lofthouse first appeared in a jury list in 1792: 1/465. Thomas Annell succeeded the widow Isabel Annell: 1/454.

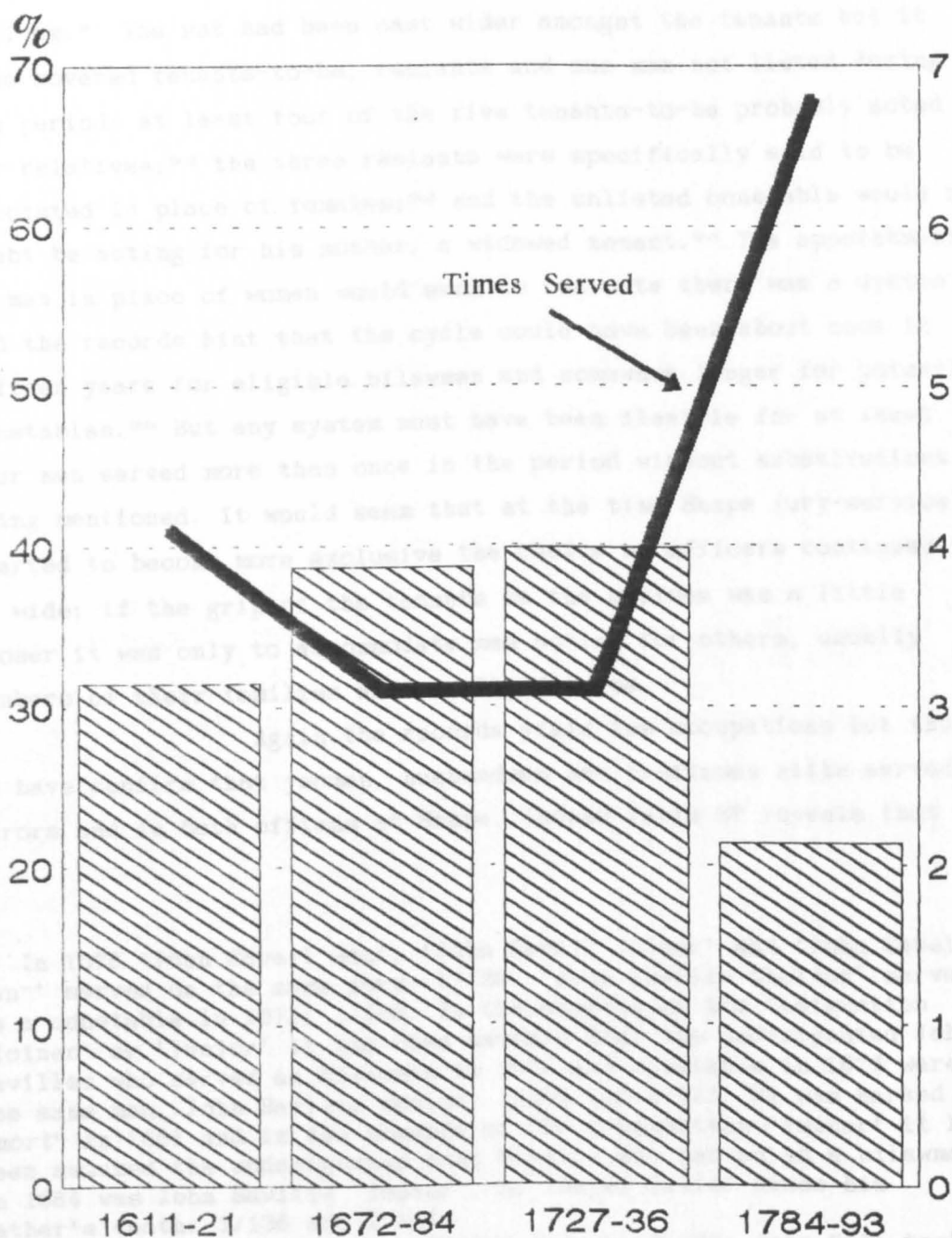
jurors were fined for failing to attend verdict days.⁸⁹ The restricted choice of jurymen was also reflected in the choice of foreman: John Sayer was the foreman of each of the nine juries of which we have a record. Listed plain John Sayer in the earlier call rolls he was elevated to 'Mr' from 1788. He had at least 145 acres of land in both villages in 1795 and during the decade he also served as a collector of land tax, three times as an overseer of the poor and as a constable. He was clearly a man of some importance in the village and gone were the days when the foreman's role was shared by some half a dozen men.⁹⁰ The selection of jurors at Well was now more restricted than it had been early in the seventeenth century and just as restricted as it was at Snape. Figure 6 shows how at Well after the early seventeenth century the proportion of listed persons who served as jurors rose with a commensurate fall in the mean number of times each juror would serve in ten years. But it also shows that eventually the proportion fell to about half of what it had been and the number of times each juror would serve rose by almost two-thirds (65.9%). The route had been more tortuous but the result was the same: jury service was eventually concentrated in very few hands in both villages.

The Manorial Officers

In Chapter Three we noted that early in the seventeenth century almost all the constables at Snape were drawn from the comparatively large pool of tenant jurors and only a few of the bilawmen were non-jurors. We have now seen that initially the grip of the Snape tenants on jury-service became a little looser but membership of juries became progressively more exclusive: had the manorial officers continued to be drawn only from the jurors fewer men would have served more often. This was avoided by spreading the burden wider: the service of Snape presentment jurors as constables or bilawmen in the late seventeenth-century period is given in Table

⁸⁹ 1/144, 1/459 and 1/462.

⁹⁰ 1/453, 1/462 and PR/WEL/3/1, p. 44; Horsfall, *Manor of Well and Snape*, pp. 299-302.



Resiants are included in the seventeenth-century figures.

The mean numbers of times each juror served have been adjusted to make them comparable, the base used being ten years.

Figure 6. The proportions of men listed at Well who served as Well jurors and the mean numbers of times each would serve 1611-21, 1671-85, 1727-36 and 1784-93.

55 but Table 56 lists the non-jurors who also served in the manorial offices.⁹¹ The net had been cast wider amongst the tenants but it also covered tenants-to-be, residents and one man not listed during the period: at least four of the five tenants-to-be probably acted for relatives;⁹² the three residents were specifically said to be appointed in place of females;⁹³ and the unlisted constable would no doubt be acting for his mother, a widowed tenant.⁹⁴ The appointments of men in place of women would seem to indicate there was a system and the records hint that the cycle could have been about once in fifteen years for eligible bilawmen and somewhat longer for potential constables.⁹⁵ But any system must have been flexible for at least four men served more than once in the period without substitutions being mentioned. It would seem that at the time Snape jury-service started to become more exclusive the choice of officers continued to be wide; if the grip of the tenants on the offices was a little looser it was only to accommodate men acting for others, usually members of their families and usually females.

Again the records yield few occupations but those we have confirm that yeomen, husbandmen and craftsmen alike served as jurors and in both offices at Snape. Indeed Table 57 reveals that at

⁹¹ In 1678 'John Savell Sen', 'John Savell Joyner' and 'John Savell Junr' served on the same jury: 1/128. 'John Saville thelder' served as a constable in 1671: 1/106. In the absence of the designation 'joiner' or 'junior' it has been assumed that the undesignated John Savilles who served as bilawman in 1672 and constable in 1676 were the same man, John Saville senior: 1/109 and 1/123. He was marked 'mort' in 1681 and in the absence of the designation 'joiner' it has been assumed the undesignated John Saville who served as a bilawman in 1684 was John Saville 'junior', no longer junior since his father's death: 1/136 and 1/141.

⁹² John Horner took over from Robert Horner: 3/123; John Gill took over from Ann Gill: 3/141; William Bayne took over from the widow Barbara Bayne: 3/125, 3/129 and 3/136; and James Dobby took over from Elizabeth Dobby (some years after John Dobby and Robert Dobby junior): 3/125, 3/129, 3/136 and 3/139.

⁹³ Christopher Clapham for the widow Dorothy Hutchinson: 3/114; William Thompson for his mother the widow Francisca Thompson: 3/125; and John Ward for a widow whose name is illegible: 3/125.

⁹⁴ Henry Dinsdale for Margaret Dinsdale: W1/f.9v, 3/125, 3/136 and 3/139.

⁹⁵ Fifteen of the eighteen tenants listed every year in the fifteen-year period served once as a bilawman in that time and six served as constables. It is assumed some of the others served in the years for which records are missing.

	Listed	Juror	Foreman (Affeeror)	Constable	Bilawman
George Cole	13	13	-	1	1
Thomas Savile	13	13	1	1	-
John Horner	10	10 + 3	-	-	0 + 1
Richard Lambert	6	6	1	1	-
George Craue	2	2	1	-	1
William Gatenby jun	2	2	-	-	DID NOT SERVE
Richard Wetherell	5	4 + 3	-	-	1
John Lambert	7	6	-	-	DID NOT SERVE
John Savile jun	7	6	-	-	1
James Wilson	6	5	1	1	-
Richard Gatenby	5	4	- (1)	-	DID NOT SERVE
Peter Whitehead	4	3	-	-	1
William Gatenby sen	13	9	7 (2)	1	1
Robert Warton	12	8	1	-	2
John Hutchinson	9	6	-	-	DID NOT SERVE
John Savile sen	9	6	1	2	1
William Stout	13	8	-	-	1
John Gatenby	13	7	- (1)	-	1
William Harrison	13	7	-	1	1
Matthew Reynold	12	6	-	-	DID NOT SERVE
Edmund Savile	6	3	-	-	DID NOT SERVE
John Gill	1	0 + 1	-	0 + 1	-
John Savile joiner	13	6	-	-	DID NOT SERVE
Thomas Thompson	13	6	-	-	1
John Robinson	7	3	-	-	DID NOT SERVE
William Thompson	12	4	-	1	1
Leonard Danby	3	1	- (1)	-	DID NOT SERVE
Robert Gatenby	3	1	-	-	1
Thomas Dobby	13	4	-	-	1
Robert Horner	13	4	-	-	1
William Hutchinson	13	4	-	-	3*
Henry Savile	13	3	-	-	1
Christopher Frear	12	2	-	1	1
George Cooke sen	13	2	-	-	1
John Scott	13	2	-	-	DID NOT SERVE
Thomas Stout	13	2	-	-	1
John Dobby	7	1	-	-	DID NOT SERVE
Peter Leadley	8	1	-	-	DID NOT SERVE
John Brathwaite	9	1	-	-	0 + 1
Edward Reynold	9	1	-	-	DID NOT SERVE
James Thompson	12	1	-	-	DID NOT SERVE
William Mitchell	Resiant	2 + 2	-	-	DID NOT SERVE
Christopher Hunton	Resiant	2	-	-	DID NOT SERVE
Christopher Raper	Resiant	1	-	-	DID NOT SERVE

* includes service in place of another

Additions to the 'Constable' and 'Bilawman' columns give the numbers of times tenants-to-be and a resiant-to-be served when unlisted.

Table 55. Snape constables and bilawmen 1671-84 (jurors).

	Listed	Juror	Foreman (Afeeror)	Constable	Bilawman
John Atkinson	13	-	-	-	1
James Gatenby	11	-	-	-	1
Anthony Reynold	11	-	-	-	1
George Ward	11	-	-	2	1
Robert Holden	9	-	-	-	1
William Bayne	8	-	-	-	0 + 1
James Reynoldson	7	-	-	1	-
James Dobby	4	-	-	0 + 1	-
George Heslop	4	-	-	-	1
Richard Bannister	3	-	-	1	-
Francis Thompson	2	-	-	-	1

Resiants:-					
Christopher Clapham		-	-	1*	-
William Thompson		-	-	-	1*
John Ward		-	-	-	1*

Unlisted:-					
Henry Dinsdale		-	-	1	-

* service in place of another

Additions to the 'Constable' and 'Bilawman' columns give the numbers of times tenants-to-be served when unlisted.

Table 56. Snape constables and bilawmen 1671-84 (non-jurors).

least one gentleman was active in the administration of the manor and three men discharged from paying the hearth tax served in manorial offices.⁹⁷ The then resiant Christopher Clapham, who was discharged from paying the tax in 1673, was the constable named at the bottom of

⁹⁶ The constables and bilawmen are named at the end of the call rolls. We have no call roll for 1680 but Ward was said to be the constable when Suzanna Plumer was presented for assaulting him that year: 1/201.

⁹⁷ Hebden, *Hearth Tax List*, 2, p. 51. Gatenby: 2/26, 2/36, 2/37 and 3/140; Hawe: call rolls from 3/119, W1/f.62, and Horsfall, *Manor of Well and Snape*, p. 222; Tennant: call rolls from 3/106 to 3/125; Thomas Savile: NYCRO/ZBS/597; Thompson: 2/27; Crawe: 2/19, 2/21 and NYCRO/QSM/14/19.7.1670; Leadley: 2/32; John Savile sen: W1/f.18, W1/f.28v and W1/f.30; Cooke: W1/f.29 and W1/f.30v; Reynoldson: call rolls from 3/136; John Savile joiner: 3/120 and 3/128; John Savile jun: 1/203 and 3/133; Ward: 2/75 and NYCRO/QSM/13/23.7.1667.

	Occupation	Listed	Juror (Foreman/ Affeeror)	Constable	Bilawman
William Gatenby	Gentleman & Tanner	16	9 (7/2)	1	1
Christopher Hawe	Gentleman	13	-	-	-
Richard Tennant	Gentleman	7	-	-	-
Thomas Savile	Yeoman	16	13 (1/-)	1	-
William Thompson	Yeoman	14	4	1	1
George Crowe	Yeoman/ Husbandman	5	2 (1/-)	-	1
Peter Leadley	Husbandman	10	1	-	-
John Savile sen	Husbandman	10	6 (1/-)	2	1
George Cooke	Webster	16	2	-	1
John Reynoldson	Miller	2	-	-	-
		R13			
John Savile	Joiner	16	6	-	-
John Savile jun	Maltman	9	6	-	1
George Ward	Tailer	16	-	1	1
Discharged from paying hearth tax:-					
Robert Ward		R16	-	-	-
John Appleby		R14	-	-	-
Thomas Horner		7	-	-	-
John Atkinson		9	-	-	1
Christopher Clapham		R 3	-	1*	-
		13			
Christopher Smith		3	-	-	-
John Brathwaite		11	1	-	1

R = resiant

* = service in place of another

Table 57. Male inhabitants of Snape with known occupations, including those discharged from paying the hearth tax, and the offices they held 1671-85.

the tax return for that was the year he served in place of a widow.⁹⁸
The imprecision of occupational designations has been noted already but the inventories of property left by some of the men listed confirm their places in the table: the gentlemen Gatenby and Hawe left £617 0s.0d. and £680 2s.10d respectively, the yeoman/husbandman

⁹⁸ 3/114.

George Crowe left £263 16s.4d. and the resiant Christopher Clapham left only £6 0s.2d. We have no occupations for two other comparatively poor men, Christopher Frear and Robert Gatenby who left £11 8s.11d. and £1 10s.0d. respectively, but they too served as both jurors and officers.⁹⁹ It is clear that service in manorial offices was not confined to the better off in Snape.

At Well we found that early in the seventeenth century service as a juror was more restricted than it was at Snape. Almost all the Well constables and most of the bilawmen had been drawn from the exclusive group of jurors but several non-jurors were appointed as bilawmen. The jury net was cast wider late in the seventeenth century but officers were still appointed from outside the group of jurors: Table 58 shows that manorial officers continued to be drawn from the larger pool of jurors and Table 59 shows that non-jurors also served as officers.¹⁰⁰ Tenants-to-be continued to serve occasionally and an unlisted man also served, all probably for relations.¹⁰¹ The two substitutions specifically mentioned in the records include the tenant John Wilson's service for the tenant John Smorthwaite, the only example in the rolls of a man serving for another man.¹⁰² The other explicit substitution was for a widow and again it would seem there was a system although several men served more than once including four men sworn three times as bilawmen. These examples of repeated service in the office of bilawman suggest that perhaps already the system which had spread the burden widely amongst the tenants at Well was being abandoned. The suggestion is supported by other evidence: of the twenty-one male tenants listed

⁹⁹ Snape inventories 17 to 22 at Bedale Museum. Inventories were often deficient and the amounts given are therefore the minima left: Riley, 'Families and Their Property', pp. 31 and 113.

¹⁰⁰ The tables include the two constables amerced in 1670 'for leting ye pinfould lie down': 1/103. It has been assumed the John Brathwaite appointed pindar in 1685 was the man of that name listed at Snape and not the man of the same name who had by then ceased to be listed at Well: 3/142. They were not the same man for they both appear in one list of tenants: 3/122.

¹⁰¹ Thomas Brown for his mother and Edward Blakelock for his father-in-law as already noted. There is no evidence of any relationship in the case of Thomas Toes but the widow Margaret Toes was a tenant at the time.

¹⁰² 1/109.

	Listed	Juror	Foreman (Affeeror)	Constable	Bilawman
William Atkinson	15	15	1 (1)	1	-
Robert Birkdale jun	14	14	-	-	1
Richard Smith	13	13	4 (2)	1	-
Thomas Brown	8	8 + 3	-	-	1 + 2
William Reynoldson	8	8	-	DID NOT SERVE	
Marm. Hauxwell jun	7	7	-	-	1
Robert Harrison	2	2 + 1	-	DID NOT SERVE	
Thomas Hauxwell	15	13	4 (1)	DID NOT SERVE	
Simon Scope	6	5	-	DID NOT SERVE	
Marm. Hauxwell sen	8	6	1	-	1
John Bridgewater	15	11	-	DID NOT SERVE	
William Myers	15	11	-	-	3
Mathew Hauxwell	9	6	-	DID NOT SERVE	
John Reynoldson	14	9	-	1	1
John Brathwaite	8	5	2 (2)	1	1
John Hunter	12	6 + 2	-	-	1
John Clarkson	15	8	1 (1)	-	1
John Gill	15	8	2	-	1
Robert Simeson	6	3	-	-	1
Richard Hauxwell	7	3	-	DID NOT SERVE	
Francis Ingram	8	3	-	-	1
Leonard Bedforth	15	5	-	2	1
Richard Lumley	15	5	-	DID NOT SERVE	
John Wilson jun	3	1	-	1	1
Henry Wilson	10	3	-	-	2
Edward Blakelocke	13	1 + 2	-	1	0 + 1
Roger Bateman	14	3	-	DID NOT SERVE	
Cuthbert Mudd	14	3	-	DID NOT SERVE	
Robert Lumley	15	3	-	-	1
William Thompson	15	3	-	1	3
(and 4 X Pindar)					
George Holmes	10	2	-	-	1
Aaron Jackson	5	1	-	-	1
Robert Johnson	5	1	-	-	1
Francis Key	5	1	-	DID NOT SERVE	
John Toes	6	1	-	-	1
Richard Johnson	13	2	-	-	3
Richard Turley	8	1	-	1	1
William Reynold	9	1	-	-	1
John Askwith	10	1	-	1	-
William Bridgewater	10	1	-	1	-
Edmund Savile	10	1	-	DID NOT SERVE	
John Smorthwaite	10	1	-	DID NOT SERVE	
John Geldart	15	1	-	1	1
Mathew Smith	15	1	-	1	1
William Brathwaite	Resiant	3	-	-	1

Additions to the 'Bilawman' column give the numbers of times tenants-to-be served when resiants or unlisted.

Table 58. Well constables and bilawmen 1670-85 (jurors).

	Listed	Juror	Constable	Bilawman	Pindar
Christopher Justance	11	-	-	-	1
Thomas Shotton	11	-	1*	-	-
Valentine Tippin	11	-	1	-	-
Richard Smithson	10	-	1	1	-
Richard Hunter	8	-	-	1	-
John Wilson sen	7	-	1*	-	-
William Raynforth	6	-	1	-	-
William Hewson	5	-	-	1	-
Michael Garbutt	2	-	1	-	-
Robert Birkdale	1	-	1	-	-
Thomas Scurrey	Resiant	-	-	-	1
Thomas Toes	Unlisted	-	1	-	-

* service in place of another

Table 59. Well constables and bilawmen 1670-85 (non-jurors).

throughout the period six (28.6%) did not serve as either constable or bilawman whereas only two out of eighteen such men at Snape (11.1%) failed to serve. Table 60 tends to confirm that the system was perhaps beginning to collapse:¹⁰³ whereas the gentry and the hearth-tax poor served at Snape they do not feature in the Well table;¹⁰⁴ a labourer served once as a juror but otherwise the manorial offices were held only by the farmers and craftsmen.¹⁰⁵

¹⁰³ Inventories confirm the places of eight of the men in the table: Clarkson: £198 12s.8d; Thomas Hauxwell: £50.10s.0d; Birkdale: £48 18s.0d; Atkinson: £43 17s.6d; Marmaduke Hauxwell: £47 10s.0d; Jackson: £40. 16s.0d; Bedforth: £3 13s.6d; Hunter: c£3 5.0d: Well inventories 12, 13, 15, 17-21 at Bedale Museum.

¹⁰⁴ Hawe: call rolls from 3/106 to 3/136; Place: call rolls from 3/106 to 3/141, 3/119 (pleas), 3/123 (pleas), Horsfall, *Manor of Well and Snape*, p. 222; Place jun: 3/139 and 3/141; Stead: 3/106, 3/123, 3/125, W1/f.54v, W1/f.55 and W1/f.57; Hebden, *Hearth Tax List*, 2, p. 51.

¹⁰⁵ Clarkson: 2/17; Thomas Hawxwell: 2/27, 2/48, 2/50, Horsfall, *Manor of Well and Snape*, p. 221; Robert Lumley: Atkinson, *Quarter Sessions Records*, 6, p. 195; Birkdale: 2/23; Bridgewater: 2/24; Richard Lumley: 2/28; Thompson: 1/209; Atkinson, Marmaduke Hauxwell and Jackson: Well inventories 15, 17 and 21 at Bedale Museum; Bedforth: 2/11; John Hunter: 2/30 and 2/51; Ingram: 2/12; Johnson: 2/14; Reynoldson: 2/74 (the 1711 reference is somewhat late but it refers to his sons baptized W1/f.57v); Smith: 2/39 and 2/58; Toes: 2/16; Wilson: Well inventory 8 at Bedale Museum; William Hunter: 2/25; Key: NYCRO/QSM/18/8.10.1689.

	Occupation	Listed	Juror (Foreman/ Affeeror)	Constable	Bilawman
Christopher Hawe	Gentleman	11	-	-	-
Edward Place	Gentleman	11	-	-	-
Edward Place jun	Gentleman	11	-	-	-
William Stead	Vicar	11	-	-	-
John Clarkson	Yeoman	16	8 (1/1)	-	1
Thomas Hawxwell	Yeoman	16	13 (4/1)	-	-
Robert Lumley	Yeoman	16	3	-	1
Robert Birkdale	Husbandman	15	14	-	1
John Bridgewater	Husbandman	16	11	-	-
Richard Lumley	Husbandman	16	5	-	-
William Thompson	Husbandman	16	3	1	3
(and 4 X Pindar)					
William Atkinson	(Farmer)*	15	15 (1/1)	1	-
Marmaduke Hauxwell	(Farmer)*	8	6 (1/-)	-	1
Aaron Jackson	(Farmer)*	5	1	-	1
Chris. Bedforth	Linen webster	7	-	-	-
John Hunter	Tanner	13	8	-	1
Francis Ingram	Butcher	8	3	-	1
Marmaduke Johnson	Tailor	16	-	-	-
John Reynoldson	Cooper	15	9	1	1
Brian Smith	Cooper	3	-	-	-
John Toes	Tailor	6	1	-	1
John Wilson sen	Tanner	7	-	1*	-
William Hunter	Labourer	7	-	-	-
Francis Key	Labourer	5	1	-	-
Discharged from paying hearth tax:-					
Richard Sickling		11	-	-	-
Richard Bridgewater		R 6	-	-	-
Robert Reynoldson		16	-	-	-
Robert Scott		Unlisted	-	-	-
John Brockell		R16	-	-	-
Richard Firby		Unlisted	-	-	-
Edward Proctor		R16	-	-	-

* (Farmer) These men were not described as farmers in the records but their inventories reveal their callings.

R = resiant

Table 60. Male inhabitants of Well with known occupations, including those discharged from paying the hearth tax, and the offices they held 1671-85.

Seven of the lists of officers include pindars. They were listed as Well officers and the men who occupied the post hailed from Well but they may have been officers for the whole manor for there is no separate record of pindars at Snape.¹⁰⁶ A tenant, a resiant and an ex-tenant served in the post once each but the tenant William Thompson served four times; these included two years when he combined the duties with the duties of constable and bilawman respectively so the post was perhaps not considered particularly arduous. Thompson's record as an officer at Well is also the most blatant example of an individual holding office more than his peers.¹⁰⁷ It appears that the appointment of pindars was outside any system for appointing the other officers.

The hearth tax returns provide another means of assessing the status of the village officers. Bennett used this crude measure of status in his analysis of the constables and their deputies at Halifax in the West Riding of Yorkshire from 1658 to 1670. He showed that at Halifax itself the men with three or more hearths held three-quarters (76.3%) of the appointments whereas they accounted for less than a third (30.1%) of the households. In the 'out-townships' in Halifax parish there were not enough wealthy men to fill the offices and men with two hearths also served disproportionately. In both Halifax and its 'out-townships' the poor, those discharged from paying the tax, were excluded from office. Bennett's figures are reproduced in Table 61 which gives the same information for constables and bilawmen at both Snape and Well.¹⁰⁸

¹⁰⁶ It would appear there were pinfolds in both villages for although the Well presentments include nine pinfold offences 'afouldbreck' was also presented at Snape: 1/201. The two pairs of constables amerced for letting the pinfold lie down served when there is no record of a pindar and therefore it is not clear whether constables were always responsible for the pinfold or only when there was no pindar: 1/103 and 1/118.

¹⁰⁷ Bilawman 1671, constable and pindar 1672, pindar 1674, bilawman 1677, pindar 1683, and bilawman and pindar 1684: 1/106, 1/109, 1/119, 1/125, 1/139, 1/141 and 1/142.

¹⁰⁸ Bennett, 'Enforcing the Law in Revolutionary England', pp. 66 *et seq* and 311-2; Hebden, *Hearth Tax List*, 2, pp. 50-1. The adequacy of the hearth tax returns will be examined later in this chapter. For present purposes it suffices to note that Margaret Spufford found an association between hearths and wealth; she concluded 'it is therefore clear that the hearth tax can be used as an (Continued ...

Hearths	Halifax Constables		'Out-townships'	
	Town			
5+	23.7%	(7.2%)	3.6%	(1.8%)
3-5	52.6%	(22.9%)	33.5%	(13.6%)
2	13.1%	(14.9%)	31.7%	(16.6%)
1	10.6%	(13.3%)	31.2%	(34.7%)
Exempt	-	(41.7%)	-	(33.3%)

Hearths	Snape Constables		Bilawmen	Well ¹⁰⁹ Constables		Bilawmen
5+	-	(2.7%)	-	-	(1.3%)	-
3-5	-	(2.7%)	-	-	(1.3%)	-
2	14.3%	(16.4%)	33.3%	29.4%	(18.7%)	30.3%
1	71.4%	(60.3%)	66.7%	70.6%	(58.7%)	69.7%
Exempt	14.3%	(17.8%)	-	-	(20.0%)	-

Percentages in brackets are proportions of households in town, 'out-townships' and villages respectively.

Table 61. Hearth-tax status of constables at Halifax 1658-70 and constables and bilawmen at Snape 1671-84 and Well 1670-85.

The differences between the social composition of the North Riding villages and that of Halifax and its 'out-townships' are immediately obvious: Snape and Well had less households with three or more

¹⁰⁸ Continued ...) economic guide, and also as a social guide' and that the lists 'form a general, if not a precise guide, to the economic position of those taxed ... as an overall guide, the tax is adequate.'; *Contrasting Communities*, pp. 36-41 and 300-1. As Hoskins pointed out categorizing by hearths is inevitably arbitrary but the returns represent the best sources we have: *Local History in England*, p. 143.

¹⁰⁹ It has been assumed that the Well tax-payer called Jackson whose christian name is torn was Aaron Jackson, the only Jackson listed in the rolls, and that the Thomas 'Skelton' noted by the transcriber at Well was in fact Thomas Shotton: there was no Skelton in the village and Shotton would not otherwise be accounted for.

hearths, less persons who were discharged from paying the tax and most taxed households had only one hearth. Whereas households with three or more hearths provided most of the constables at Halifax they provided no constables or bilawmen at Snape or Well. And whereas one-hearth households provided only a tenth of the constables at Halifax and less than a third in the 'out-townships' they provided two-thirds or more of the officers at Snape and Well. It was also not unknown for persons said to be too poor to pay the tax to serve in manorial offices at Snape.¹¹⁰ Like the difference between Halifax and its 'out-townships' this simply reflected the numbers and status of those available to hold office: there were only six households with three or more hearths in the parish, almost all the two-hearth households were represented in the ranks of the officers and if they were not to serve repeatedly officers had to be provided by one-hearth households.¹¹¹ At Snape, like the Halifax 'out-townships', they had to cut their coats according to the cloth. This no doubt applied to villages elsewhere.¹¹²

¹¹⁰ Because the published tax list for a single year (1673) was used for Snape and Well not all the officers could be linked to households in the list. Some were linked directly, others through their known predecessors or successors and others as members of widows' households but three constables and ten bilawmen at Snape (17.6% and 29.4% respectively) and five constables and seven bilawmen at Well (18.2% and 17.5%) remained unlinked. However, with the exceptions of one three-hearth and one two-hearth household at Snape all the households with two or more hearths could be linked: it follows that almost all the officers who do not feature in the table lived in one-hearth households and the percentages of one-hearth officers given are therefore minima.

¹¹¹ The only households in Snape with five or more hearths were those of the lord at Snape Castle (30); of Lady Danby at Thorpe Perrow (17); of Edmund Savile (4) who served as a juror but not as an officer in our period; and of Mr Edward Place, the master of Well hospital (3) the occupant of which we do not know. At Well Mr Edward Place (7) and the Rev. Stead (3) had the only households with more than two hearths and they too did not serve. There were only twenty-six two-hearth households in the parish and if these households alone had provided the two constables and four bilawmen required annually in each village service would have been every alternate year; at least twenty of these households were represented in the ranks of the officers.

¹¹² Joan Kent pointed out that variations in the status of constables in different settlements and changes over time have not been fully explored: *English Village Constable*, p. 80. For examples of variations see *ibid*, pp. 82-122; Samaha, *Law and Order*, p. 87.

Early in the eighteenth century the position at Snape had changed only a little. Table 62 shows that the constables and bilawmen continued to be selected from jurors and non-jurors alike and all were listed at the time. Two widows were appointed bilawgraves in their own right in 1729 but there is nothing in the records to indicate whether they actually carried out the duties themselves. Mary Gill seems to have farmed for she was amerced for a drainage offence; as the widow of a farmer whose tenancy was to be passed on to her yeoman son-in-law Anne Crowe could have farmed too.¹¹³ The appointment of women again seems to indicate there was a system.¹¹⁴ But in a period of only ten years no less than seven men served as bilawgraves twice, including three who served in consecutive years; two men also served twice as constables and they included Thomas Court who served twice in both offices in only seven years;¹¹⁵ and two men served as bilawmen the same years they served as constables.¹¹⁶ Of the thirty-seven men resident in Snape and listed throughout the period fifteen (40.5%) served neither as constable nor bilawman, a substantial increase on the proportion fifty years before at Snape (11.1% in a longer period) and more than the proportion when it was assumed the system was being abandoned at Well (28.6%). Fewer men were serving more often and it would seem that at Snape the system was perhaps beginning to break down too.¹¹⁷

From 1718 occupations are given more often than not in the parish registers and therefore we have the occupations of most of the men who appeared in the manorial rolls, too many to list

¹¹³ 1/218. Gill: 1/231. Crowe: W2/f.9v, 1/233 and 2/132.

¹¹⁴ Giles Jacob wrote 'And if the Office [of constable] happen on a Woman, where there is a Custom for every Inhabitant to serve by Turns, she may hire one to execute the Office.': *Compleat Parish-Officer*, p. 4. Women were included in the rota systems at Highley, Shropshire, but they did not serve: Nair, *Highley*, p. 129. A woman seems to have served as a constable at Great Smeaton in the North Riding in 1695: Atkinson, *Quarter Sessions Records*, 7, p. 153.

¹¹⁵ 1/210, 1/230 and 1/235.

¹¹⁶ George Hammond: 1/210 and 1/214; John Savile: 1/235 and 1/240; Christopher Norfolk: 1/244 and 1/248; Thomas Court: 1/210; and Richard Petch: 1/222.

¹¹⁷ Thirty-five men held office in ten years whereas forty-two men had held office in nine years fifty years before.

	Listed	Juror	Foreman (Affeeror)	Constable	Bilawman
William Parker	10	10	1	-	1
William Scott	10	10	1	1	-
Francis Chambers	5	5	-	1	-
George Crowe (2)	1	1 + 3	1 + 1	DID NOT SERVE	
William Baynes	3	3	-	DID NOT SERVE	
Christopher Atkinson	2	2	-	-	1
George Crowe (1)	2	2	- (1)	DID NOT SERVE	
Lancelot Crowe	2	2	2	DID NOT SERVE	
Christopher Metcalfe	1	1	-	DID NOT SERVE	
John Metcalfe	1	1	-	1	-
Richard Petch	10	9	-	1	1
Thomas Plummer	10	8	-	1	1
Christopher Norfolk	10	7	1	-	2
John Shepherd	10	7	-	DID NOT SERVE	
Robert Gatenby	6	4	-	1	-
William Lunt	6	4	-	DID NOT SERVE	
George Heslopp jun	10	6	-	1	2
William King	5	3	1	-	1
Philomen Rook	3	1 + 1	-	DID NOT SERVE	
George Metcalfe	9	4	-	DID NOT SERVE	
George Heslopp sen	10	4	1	DID NOT SERVE	
John Lambert	10	4	-	-	1
Francis Thompson	10	4	1	DID NOT SERVE	
Chris. Atkinson jun	8	3	-	DID NOT SERVE	
Christopher Gatenby	8	3	-	1	1
Matthew Firby	10	3	-	1	2
John Savile	10	3	-	-	2
George Ward	10	3	-	2	1
Christopher Sharp	8	2	-	1	1
William Pratt	4	1	-	DID NOT SERVE	
Thomas Court	10	2	-	2	2
William Exelby	10	2	-	1	1
Christopher Raper	10	2	-	-	1
Paul Wetherell	10	2	-	-	1
John Gatenby	10	-	- (1)	DID NOT SERVE	
William Atkinson	10	-	-	1	1
Thomas Bayne	10	-	-	1	1
George Coale	10	-	-	-	1
George Cooke	10	-	-	-	1
Thomas Cooke	10	-	-	-	2
John Dobbie	10	-	-	1	1
Mary Gill widow	10	-	-	-	1
George Hammond	10	-	-	1	2
Christopher Horner	10	-	-	-	1
James Wilson	10	-	-	-	1
Thomas Atkinson	9	-	-	1	-
James Bailiffe	8	-	-	-	1
John Raper	8	-	-	-	1
William Thompson	4	-	-	-	1
William Topham	4	-	-	-	1
Anne Crow widow	3	-	-	-	1

Table 62. Snape constables and bilawmen 1727-36.

in a table. Table 63 gives only those men with known occupations who served as jurors or in the manorial offices at Snape. It confirms that those who served were selected from the farmers,¹¹⁹ tradesmen and craftsmen¹²⁰ but weavers and the odd labourer also served.¹²⁰ George Cooke was one of only two men described as a yeoman in the parish registers and he was described in a letter with the hospital leases as a 'considerable hospital tenant': he did not serve as a juror in our period but served once as a bilawman.¹²¹ John Shepherd was only a labourer in 1722 and even if he had bettered himself before he served seven times as a juror from 1727 he was still obliged to make his mark when most of his fellow jurors signed their names.¹²² However, although service involved men from different social strata, it would seem the burden was not distributed evenly. Of the twenty-three listed men known to have been farmers, and therefore perhaps more likely to serve as bilawmen, only twelve (52.2%) actually did so; of the eleven known weavers seven (63.6%) served in that office. Five (21.7%) of the farmers served as constables but five (45.5%) of the weavers served with them.¹²³

¹¹⁹ The generic term 'farmer' was used in the registers but the more specific term 'yeoman', was used in the Well hospital leases: the 'farmers' in the table could have been yeomen or husbandmen.

Chambers: 2/132; Cooke: W2/f.13v; George Crowe (1): 2/130; Lancelot Crowe: W2/f.5, W2/f.5v, W2/f.9v, W2/f.13v, 2/106 and 2/130; Robert Gatenby: 2/132; Lambert: 2/160; Savile: 2/121; Francis Thompson: W2/f.4v; Raper: W2/f.5; Bailiffe: W2/f.13; Coale: W2/f.12; Exilby: W2/f.13; King: W2/f.11v; Petch: W2/f.9v; Plummer: W2/f.12, W2/f.12v and 2/112; Pratt: W2/f.8 and W2/f.11; Rook: W2/f.8; Wetherell: W2/f.11 and W2/f.13; and Wilson: W2/f.5 and W2/f.13.

¹¹⁹ Christopher Atkinson: W2/f.8, W2/f.9v; Bayne: W2/f.9v and 2/95; George Crowe (2): 2/163; John Gatenby: W2/f.4v, W2/f.5v, W2/f.6v, 2/54 and 2/149; Hammond: W2/f.4v; George Heslopp sen: W2/f.10; George Heslopp jun: W2/f.7 and 1/212; Horner: W2/f.9v; Christopher Metcalfe: W2/f.10v, W2/f.12 and W2/f.13; George Metcalfe: W2/f.5 and W2/f.13v; Norfolk: 2/152; Scott: 1/212; Sharp: W2/f.13v; and Ward: W2/f.10, 2/75 and 2/161.

¹²⁰ William Atkinson: W2/f.7v, W2/f.9v and W2/f.11v; Court: W2/f.8v, W2/f.9 and W2/f.12v; Dobbie: W2/f.5, W2/f.5v, W2/f.7v, W2/f.9, W2/f.12 and 1/237; Firby: W2/f.13v; Christopher Gatenby: W2/f.5v; Parker: W2/f.5 and W2/f.5v; Topham: W2/f.5; Shepherd: W2/f.5v; and William Thompson: W2/f.10, W2/f.11, W2/f.11v, W2/f.12v, W2/f.13v.

¹²¹ W2/f.13v and 2/170.

¹²² 1/215, 1/218, 1/222, 1/226 and 1/230.

¹²³ Eight of the twenty-four known craftsmen/tradesmen (33.3%) served as bilawmen and six (25%) as constables.

Occupation Listed		Juror (Foreman)	Constable	Bilawman	
Francis Chambers	Yeoman	5	5	1	-
George Cooke	Yeoman	10	-	-	1
George Crowe (1)	Yeoman	2	2	-	-
Lancelot Crowe	Yeoman/Butcher	2	2	-	-
Robert Gatenby	Yeoman	6	4	1	-
John Lambert	Yeoman	10	4	-	1
John Savile	Yeoman	10	3	-	2
Francis Thompson	Yeoman	10	4 (1)	-	-
John Raper	Husbandman	8	-	-	1
James Bailiffe	Farmer	8	-	-	1
George Coale	Farmer	10	-	-	1
William Exilby	Farmer	10	2	1	1
William King	Farmer	5	3 (1)	-	1
Richard Petch	Farmer	10	9	1	1
Thomas Plummer	Weaver/Farmer	10	8	1	1
William Pratt	Weaver/Farmer	4	1	-	-
Philomen Rook	Farmer	3	2	-	-
Paul Wetherell	Baker/Farmer	10	2	-	1
James Wilson	Farmer	10	-	-	1
Chris. Atkinson	Butcher	2	2	-	1
Thomas Bayne	Blacksmith	10	-	1	1
George Crowe (2)	Butcher	1	4 (2)	-	-
John Gatenby	Tanner	10	- (1)	-	-
George Hammond	Baker	10	-	1	2
George Heslopp sen	Tanner	10	4 (1)	-	-
George Heslopp jun	Tanner	10	6	1	2
Chris. Horner	Mason	10	-	-	1
Chris. Metcalfe	Miller	1	1	-	-
George Metcalfe	Joiner	9	4	-	-
Chris. Norfolk	Butcher	10	7 (1)	-	2
William Scott	Tanner	10	10 (1)	1	-
Chris. Sharp	Baker	8	2	1	1
George Ward	Tailor	10	3	2	1
William Atkinson	Weaver	10	-	1	1
Thomas Court	Weaver	10	2	2	2
John Dobbie	Weaver	10	-	1	1
Mathew Firby	Weaver	10	3	1	2
Chris. Gatenby	Weaver	8	3	1	1
William Parker	Weaver	10	10 (1)	-	1
William Topham	Weaver	4	-	-	1
John Shepherd	Labourer	10	7	-	-
William Thompson	Labourer	4	-	-	1

Table 63. Snape jurors and officers with known occupations 1727-36.

Because some of those who did not serve were listed for short periods at the beginning or end of the decade and could have served before or after our period too much should not be read into the figures. Nevertheless the weavers seem to have borne perhaps more than their fair share of these duties.

If there were doubts about the collapse late in the seventeenth century of the system which had spread the offices widely at Well there can be little doubt that it had collapsed early in the eighteenth. Table 64 shows that five men served as constables or bilawmen three times in ten years, four men served four times, and one appears to have served no less than five times.¹²⁴ Two men served as bilawmen twice in two years and two more served as bilawmen the same year they served as constables.¹²⁵ Five other bilawgraves served twice in three years.¹²⁶ Each of the four bilawgraves appointed in 1733 had already served as such since 1727.¹²⁷ Twenty-two of the thirty-two men resident in Well and listed throughout the period did not serve as constable or bilawman (68.7%), more than double the proportion fifty years before (28.6% in a longer period). Even fewer men were serving more often and it is obvious from the top of the table that most who served repeatedly were also regular jurors.¹²⁸

Table 65 reveals that the manorial officers were still chosen from the farmers and craftsmen;¹²⁹ the two gentlemen

¹²⁴ There were two John Clarksons listed throughout the decade but one was designated 'of Nosterfield'. It has been assumed that the former was appointed because Nosterfield was not mentioned. However, Nosterfield was part of the constabulary and it is possible that the latter could have served without Nosterfield being mentioned.

¹²⁵ John Clarkson: 1/226 and 1/230; Christopher Housley: 1/240 and 1/244; Simon Johnson: 1/230; and Thomas Mudd jun: 1/222.

¹²⁶ Thomas Hauxwell: 1/226 and 1/235; John Reynoldson and Edmund Smith: 1/240 and 1/248; John Walbron senior: 1/230 and 1/240; and Francis Shotton: 1/214 and 1/222.

¹²⁷ 1/235; Hauxwell: 1/226; Buck: 1/210; Loftas: 1/218; and Shotton, 1/222.

¹²⁸ Twenty-eight men held office in ten years whereas forty-two had held office in eleven years fifty years before (pindars excluded).

¹²⁹ Farmers: Thomas Hauxwell: W2/5v, 2/27, 2/50 and 2/114; Hunter: 2/115; Johnson jun: 2/137; Loftas: 2/158; Reynoldson: 2/122; Thomas Shotton: 2/135; William Shotton: 2/116; Smith: 2/151; Tirllass: 2/155; Walbron: 2/135; Christopher Hauxwell: 2/118, W2/f.11 and W2/f.13v; Barker: W2/f.5 and W2/f.5v; Dobson: 2/110, 2/121, 2/152 and NYCRO/PR/WEL/3/1, p. 5; Binks: W2/f.8v, W2/f.11, (Continued ...

	Listed	Juror	Foreman (Afeeror)	Constable	Bilawman	
John Dobson	10	10	1 (1)	-	1	
Thomas Hauxwell	10	10	3	1	2	P
Christopher Loftas	8	8	-	2	2	CP
John Walbron sen	8	8	2	2	2	
Simon Johnson sen	2	2	-	DID NOT SERVE		H
William Smith	1	1	- (1)	DID NOT SERVE		
John Reynoldson	10	9	2	1	3	C
William Tirlass	10	9	-	2	1	
John Clarkson	10	8	-	2	3	P
Abraham Housley	10	6	-	1	2	P
Francis Shotton	10	5	-	-	3	
Edmund Smith	10	5	1	1	2	
Chris. Hauxwell	8	4	-	1	1	
John Chapman jun	4	2	-	1	1	
Michael Grainger	4	1 + 1	-	-	1	H
Augustin Harrison	2	1	-	DID NOT SERVE		
Thomas Shotton jun	2	1	-	-	-	
George Todd	9	4	-	-	1	
Henry Cass	10	4	-	-	1	P
William Shotton	10	3	-	DID NOT SERVE		
Brian Smith	7	2	-	DID NOT SERVE		
Roger Bridgewater	4	1	-	DID NOT SERVE		
Thomas Shotton sen	8	2	-	1	1	H
John Strangeways	4	1	1	DID NOT SERVE		
William Barker	10	2	-	DID NOT SERVE		H
John Binks	10	2	-	DID NOT SERVE		
John Buck	10	2	-	-	2	
John Chapman sen	10	2	-	-	1	
John Wilson	10	2	-	DID NOT SERVE		
George Fleeminge	8	1	-	DID NOT SERVE		H
Christopher Hunter	8	1	-	-	1	P
Christopher Scurrah	8	1	-	-	1	
				(and 3 X Pindar)		
Robert Heslopp	10	1	-	DID NOT SERVE		
Thomas Mudd sen	10	1	-	DID NOT SERVE		
Richard Sickling	10	1	-	1	-	
Chris. Houseley	-	4	-	-	2	
Simon Johnson (2)	-	3	-	2	2	
John Johnson	-	1	-	DID NOT SERVE		
John Walbron (2)	-	1	-	DID NOT SERVE		
John Clarkson jun	-	-	-	-	1	
Robert Hewson	10	-	-	-	1	
				(and 6 X Pindar)		
Thomas Mudd jun	9	-	-	1	1	
Thomas Rose	5	-	-	1	-	
Robert Squire	10	-	-	-	1	

C = Collector of land tax
H = Overseer of highways
P = Overseer of poor

Table 64. Well constables and bilawmen 1727-36.

Occupation Listed Juror Constable Bilawman
(Foreman)

George Fleeming jun	Gentleman	8	1	-	-	H
John Strangeways	'Mr'	4	1 (1)	-	-	
Thomas Hauxwell	Yeoman	10	10 (3)	1	3	P
Christopher Hunter	Yeoman	8	1	-	1	P
Simon Johnson (2)	Yeoman	-	3	2	2	H
Christopher Loftas	Yeoman	8	8	2	2	CP
John Reynoldson	Yeoman	10	9 (2)	1	3	C
Thomas Shotton	Yeoman	8	2	1	1	H
William Shotton	Yeoman	10	3	-	-	
Edmund Smith	Yeoman	10	5 (1)	1	2	
William Tirlass	Yeoman	10	9	2	1	
John Walbron sen	Yeoman	8	8 (2)	2	2	
Chris. Hauxwell	Yeoman/ Weaver	8	4	1	1	
William Barker	Husbandman	10	2	-	-	H
John Dobson	Husbandman/ Miller	10	10 (1)	-	1	
John Binks	Farmer	10	2	-	-	
Henry Cass	(Farmer)	10	4	-	1	P
John Clarkson	(Farmer)	10	8	2	3	P
Augustin Harrison	Farmer	2	1	-	-	
Abraham Housley	Farmer	10	6	1	2	P
Simon Johnson sen	Farmer	2	2	-	-	
Francis Shotton	Farmer	10	5	-	3	
Michael Grainger	Farmer/ Innkeeper	4	1	-	1	H
Chris. Scurrah	Farmer/ Labourer	8	1	-	1	
					(and 3 X Pindar)	
John Buck	Tailor	10	2	-	2	
John Chapman sen	Carpenter	10	2	-	1	
Robert Hewson	Cooper/ Labourer	10	-	-	1	
					(and 6 X Pindar)	
Thomas Mudd sen	Cooper	10	1	-	-	
Thomas Mudd jun	Cooper	9	-	1	1	
Thomas Rose	Butcher	5	-	1	-	
Richard Sickling	Tailor	10	1	1	-	
Brian Smith	Cooper	7	2	-	-	
William Smith	Cooper	1	1	-	-	
Robert Squire	Butcher	10	-	-	1	
George Todd	Chandler	9	4	-	1	

(Farmer) = occupation assumed

C = Collector of land tax

H = Overseer of highways

P = Overseer of poor

Table 65. Well jurors and officers with known occupations 1727-36.

in the table served only as jurors and the two labourers were described as a farmer and cooper respectively at other times.¹²⁹ Only two of the craftsmen served as constable or bilawman more than once and the farmers, particularly those designated as yeoman, were the men who served repeatedly: they were also the men who served regularly as jurors from whom the foremen were chosen. The survival of a 'Well Account Book' started in 1729 and the records it contains of some of the overseers of the poor, overseers of the highways and collectors of land tax provide an opportunity to examine which persons served in these other offices: with one exception, a gentleman, they were all farmers and again we find that most were designated yeomen.¹³¹ Two overseers of the poor whose occupations are not given in the records held land, committed agricultural offences

¹²⁹ Continued ...) W2/f.12 and W2/f.13v; Cass and Clarkson: see text; Harrison: W2/f.9; Housley: W2/f.10; Johnson sen: W2/f.9v; Francis Shotton: W2/f.7, W2/f.9 and W2/f.10; Grainger: W2/f.10v, W2/f.11 and W2/f.12v; and Scurrah: W2/f.7 and W2/f.13. Craftsmen: Buck: 2/105; Chapman: W2/f.4v, W2/f.12v and W2/f.13; Hewson: W2/f.5, W2/f.10v and W2/f.14; Mudd sen: W2/f.10; Mudd jun: W2/f.10, W2/f.11 and W2/f.13; Rose: W2/f.5, W2/f.11 and W2/f.12; Sickling: 2/108; Brian Smith: 2/39, 2/58, 2/162 and W2/f.7; William Smith: W2/f.6v, W2/f.8, W2/f.9 and W2/f.9v; Squire: W2/f.5, W2/f.7v and W2/f.10v; and Todd: 2/61, W2/f.5, W2/f.13 and W2/f.13v.

¹³⁰ Fleeming: call rolls from 1/222 to 1/241, and 'Mr' in 1/222A and at W2/f.13; Strangeways: call rolls from 1/237 to 1/250, 2/137 and Horsfall, *Manor of Well and Snape*, p. 134.

¹³¹ NYCRO/PR/WEL/3/1, facing p. 4 to p. 7. It has been said that in the north-east of England the term 'yeoman' was used indiscriminately throughout the period to describe small landholders and that it did not carry the implication of relative superiority common in the south: Wrightson, 'Social Order of Early Modern England', p. 189. Imprecision in designating yeomen, husbandmen and farmers has been acknowledged but it would seem that in this north-eastern manor at least to be described as a yeoman may have implied some relative superiority: late in the seventeenth century the 'yeomen' at Snape and Well served more often as jurors, foremen and affeerors than the 'husbandmen'; early in the eighteenth century the 'yeomen' served more often in all capacities than both the 'husbandmen' and the 'farmers'. The samples are small and the differences not startling but the following table seems to show that the men perceived by their neighbours to be yeomen were more active in the administration of the manor. (Continued ...

and served as bilawmen and were no doubt of the same ilk.¹³² The book confirms the impression of the farmers' strong grip over office-holding in the village. Indeed, given that these offices might be considered more important than those of constable and bilawman, the book strengthens the evidence of the farmers' hold on village administration.¹³³

The Well Account Book contains the record of 'A poor sess as it was Gathered by in the year 1747'.¹³⁴ The sess was gathered outside our period but it affords a means of comparing the offices men held with the amounts they paid for the poor. Table 66 gives the amounts paid and the offices held from ten years before the assessment to ten years after it.¹³⁵ Six females, who paid from three

¹³¹ Continued ...

	1671-85		1727-36		
	Yeomen	Husbandmen	Yeomen	Husbandmen	Farmers
Juror	5.2	4.4	5.6	3.0	3.8
Foreman	0.8	0.3	0.6	0.3	0.1
Affeeror	0.2	Nil	Not applicable		
Constable	0.3	0.6	0.9	Nil	0.4
Bilawman	0.5	0.6	1.3	0.9	1.3

(The figures are derived from Tables 57, 60, 63 and 65. They give the numbers of times men in each category might expect to serve in ten years. Craftsmen and tradesmen who doubled as husbandmen have been ignored as have the men assumed to have been farmers from other evidence but who were not designated as such. The early seventeenth-century period is omitted for there were then too few occupational designations. The late eighteenth-century period is omitted for yeomen and husbandmen were not then separately designated.)

¹³² Cass: 1/214, 1/249 and 2/140; Clarkson: 1/214, 1/226, 1/230, 1/239, 1/242, 2/135, 2/140 and 2/144.

¹³³ An Act of 1598 (39 & 40 Eliz cap.iii) required overseers of the poor to be 'substantial householders'. Giles Jacob said overseers of the poor and of the highways should be appointed from the most substantial householders: *Compleat Parish Officer*, pp. 86 and 131. Overseers were ranked considerably above petty constables: Trotter, *Seventeenth-Century Life*, pp. 51 and 74-5. Wrightson and Levine found overseers were included in the 'most prestigious' offices and constables held one of the 'humbler offices': *Poverty and Piety*, p. 104.

¹³⁴ NYCRO/PR/WEL/3/1, facing p. 13. It is reproduced at Horsfall, *Manor of Well and Snape*, pp. 243-4.

¹³⁵ The assessment has been rearranged in order of amounts paid. Where persons appeared more than once in the original list the amounts paid have been merged and the number of contributions is given in brackets after their names. The sources for offices are the jury lists from 1/253 to 1/271 and the account book NYCRO/PR/WEL/3/1, pp. 8-25. The table includes all the forty-two (Continued ...)

	£	s	d	Const.	Bilaw.	Overseer	Collect.	Totals
						Poor	High.	Tax
Mr Blackwell	2	15	6					
John Wardell (2)		17	6			1		1
(Wid) Reynoldson (5))	8	1½						
Husband and son:)				4	5	3		12
John Whyill	8	0						
Edmd Smith (3)	6	8	1	3	1		1	6
John Clarkson (3)	5	10	2	7	3	1		13
Chris Housley (3)	4	6	5	9	2	1		17
Sam Beckwith	4	0						
John Cass	4	0	1	2				3
Simon Johnson	4	0	2	9	2			13
Mr Thistlethwaite	4	0						
John Walburn	4	0	3	9	1	1	2	16
Rev Mr Place (3)	3	6½						
John Johnson	2	9	3	7	3			13
Chris Loftas (2)	2	9	3	9	3			15
Thomas Hawxwell (2)	2	3	2	3	3	3		11
Wm King	1	10						
Chris Hawxwell (2)	1	7	1	3	1			5
Thomas Wilson	1	4						
Richard Cleasby	1	3						
Geo Croft	1	3						
Robert Squier	1	0	1	3	1			5
Hen: Harland		11½						
Jonathon Myers		10						
William Shotton		10	1					1
Robert Dobson		8						
John Gill		8						
Thos Sickling		8				1		1
Mr Straingways		7½	2		5		1	8
Chris Foster		7						
Wm Baines		6						
Chris Hunter		6						
Thos Rose		6	2			1		3
Bry Smith		6	2			1		3
Geo Todd		6						
Fran: Ploughs		5				1		1
John Buck		4						
Thos Carmichael		4						
Chris Darnborough		4						
Savil Dobson		4						
Thos Mudd		4	3	1			1	5
Joseph Nurse		4						
John Chapman		3	4	5	2	1		12
Richard Brockell		2						
Robert Hewson		1		4	(and 11 X Pindar)			4
Totals			42	79	35	8	4	168

Table 66. A poor sess gathered at Well in 1747 and the offices held by the males assessed 1737-57.

to five pence, have been omitted because they never held office; 'Wid Raynoldson' has been left in third position because her husband John served before his death in 1743 and another John Reynoldson, no doubt their son, served thereafter.¹³⁶ The comparison is not perfect because some office-holders could have disappeared before the assessment and some could have arrived in the village later. Nevertheless it is immediately apparent that there is a close correlation between the amount paid and offices held: most of the office-holders are at the top of the table and, with three exceptions, those lower down the table did not serve or served infrequently. The concentration of office-holding in a few hands is also clear from the examples of repeated service: in twenty-one years four men served nine times each as bilawmen and several men served thirteen or more times in all in various offices, including Christopher Housley who served no less than seventeen times. These men are all to be found amongst the top eighteen of the forty-four names in the table. The twelve in the top eighteen known to have been resident, the better-off in the village, accounted for 125 (74.4%) of the 168 offices in the table.¹³⁷ At the other end of the table Robert Hewson paid only one penny sess and served eleven times as pindar; he had served six times as such during our period. His position in the table, his repeated service and the fact that both the pindars in our period were labourers at the time is perhaps some indication of the

¹³⁶ Continued ...) constables; seventy-nine of the eighty-four bilawmen (five not being mentioned in the assessment); thirty-five of the forty-two overseers of the poor (three being omitted from the account book and four not being mentioned in the assessment); but only eight overseers of the highway and four collectors of tax (the only names available in the book).

¹³⁶ 1/253 and 1/271. The accounts for the overseers of the poor for 1742-1743 were submitted for approval by Widow Reynoldson and Simon Johnson and the entry is endorsed to show that John 'dyed in the year above written': NYCRO/PR/WEL/3/1, facing p. 10.

¹³⁷ Blackwell lived at Stamford, Lincolnshire: NYCRO/PR/WEL/3/1, p. 3; Wardell at Nosterfield: 1/296 and NYCRO/PR/WEL/3/1, facing p. 9; Thistlethwaite was the vicar: Horsfall, *Manor of Well and Snape*, pp. 106 and 112; Place lived at Bedale: *ibid*, p. 193, and 1/286, 2/135, 2/145 and 2/150; and King lived at Snape: 2/160. Whyhill, who is not mentioned in the 1747 call roll, and Beckwith, no doubt one of 'the heirs of Mrs Beckwith' mentioned in that roll, could also have lived elsewhere: 1/296.

	Listed	Juror (Foreman)	Constable
William Wilkinson	3	3	-
Joseph Crow	3	3 + 4	0 + 2
John Egglestone	10	9	2
John Hawxwell	10	9	1
Thomas Lamb	10	9	-
William Peacock	10	9	2
Thomas Ward	10	9	1
John Egging	6	5	2
Francis Chambers	10	8	-
John Topham	10	8	-
Richard Strangeways	3	2 (2)	-
Christopher Gatenby	10	6	2
William Heslopp	10	6 (3)	1
Mr Anthony Hanby	4	2 (1)	-
Robert Hanby	2	1 (1)	-
William Chapman	10	4	2
Christopher Palliser	10	4	-
George Heslop	10	3	1
James Bell	10	2	-
William Lamb	10	2	-
Christopher Metcalfe	10	2	-
John Wetherill	10	2	-
William Metcalfe	10	1	2
William Hanby	-	2 (2)	-
John Chambers	-	1	-
Thomas Gatenby	-	1	-

Table 67. Snape constables 1784-93.

status of the post.¹³⁶

We have seen that by our late eighteenth-century period service as a juror at Snape was concentrated in comparatively few hands, about a fifth of the men listed at the time. Every one of the constables appointed at that time was a member of that select group and Table 67 reveals that service more than once was now

¹³⁶ Four other men who served as pindars do not appear in the sess.

common.¹³⁹ Six of the men who served twice served in consecutive years and it would seem it was now the usual practice for a new constable to serve with one of the constables from the previous year. As a result the cycle was longer: at eleven the number of men who served as constable during the decade was less than the eighteen sworn in the decade earlier in the century. The choice of constables, like the selection of jurors, had become very restricted. It would seem from Table 68 that the status of the group from which the manorial officers were chosen had also changed: not one of the twenty-eight men known to have been weavers or woolcombers served in any office during the decade;¹⁴⁰ only two of the ten labourers served and one of those was sworn only in the lowly office of pindar, the appointment being at Snape rather than Well on this occasion;¹⁴¹ only two of the thirteen known craftsmen occupied manorial posts;¹⁴² and

¹³⁹ Joseph Crow who served as a juror four times before being listed was twice selected to serve as a constable at that time; when eventually listed Crow appeared below the widow Rosey Crow and would seem to have been related to her. The appointment of bilawmen at Snape had ceased in 1754: 1/322.

¹⁴⁰ Robert Ascough: W5/f.5v, W5/f.16 and W5/f.19; William Ascough: W5/f.16 and W5/f.8v; William Atkinson: W3/p.5; John Baine: W5/f.5v, W5/f.16 and W5/p.20; William Baines jun: 1/468 and 1/473; Christopher Boyenton sen: W5/f.13; Christopher Boyenton jun: W5/f.11 and W5/f.17; John Boyenton: W5/p.21; Richard Boyenton: W5/p.18; John Cheesebrough jun: W5/f.13; George Court: W3/p.2; Thomas Crow: W5/f.15; Christopher Firby: W3/p.29, W5/f.7v and W5/p.21; Matthew Firby: W5/f.5v, W5/f.12 and W5/f.8v; Richard Firby: W5/f.4v; Thomas Gale jun: W5/f.14, W5/f.17 and W5/p.21; Thomas Garthwaite: W5/p.20; Robert Horner jun: W5/f.15; George Kayburry: W3/p.7; John Marshall jun: W5/f.17 and W5/p.20; William Rennard: W5/f.9v, W5/f.12 and W5/f.16; George Robinson: W5/f.14; John Robinson: W5/f.16 and W5/f.9v; Francis Smith: W5/f.9v and W5/f.14; George Smith: call rolls from 1/450 to 1/460; Christopher Thompson: W5/f.14 and W5/p.21; Edward Thompson: W5/f.16; and Matthew Wilson jun: W5/f.7v, W5/f.12 and W5/f.17.

¹⁴¹ Thomas Fawbert ('Cottager'): W5/f.7v; George Feetham: W5/f.12; Thomas Gale sen: W5/f.11v; Edward Geldart: W5/f.14; Haw: W5/f.12; Heslop: W5/f.9; Christopher Lambert: W5/f.16; John Pratt: W5/f.9v and W5/f.11; John Sivers: W5/f.16; and George Smith: W5/f.5v (he was described as a husbandman in the call rolls: 1/450).

¹⁴² Christopher Bell: W5/f.15 and W5/p.19; James Bell: W3/p.12; John Bradley: W5/f.5v; John Cheesebrough sen: W5/f.7v; John Dobby: W5/f.11v, W5/f.15 and W5/p.19; Thomas Dobby: W5/f.7v; Richard Gatenby: W3/p.18; John Haw sen: W3/p.8; John Metcalfe: W5/f.9v; William Metcalfe: W5/f.12; James Parker: W5/f.9v and W5/f.10; George Smith sen: 1/450 and 1/456; and John Wilson: W5/f.11.

	Occupation	Listed	Juror (Foreman)	Constable
Anthony Hanby	'Mr'	4	2 (1)	-
William Hanby	'Mr'	-	2 (2)	-
Richard Strangeways	'Mr'	3	2 (2)	-
Francis Chapman sen	Farmer	10	-	-
William Chapman	Farmer	10	4	2
Joseph Crow	Farmer	3	3 + 4	2
John Egglestone	Farmer	10	9	2
John Egging	Farmer	6	5	2
Christopher Gatenby	Farmer	10	6	2
William Heslopp	(Farmer)	10	6 (3)	1
Christopher Norfolk	(Farmer)	10	-	-
William Peacock	Farmer	10	9	2
Christopher Bell	Carpenter	1	-	-
James Bell	Carpenter	9	2	-
John Bradley	Blacksmith	10	-	-
John Cheesebrough sen	Mason	10	-	-
John Dobby	Cordwainer	4	-	-
Thomas Dobby	Cordwainer	5	-	-
Richard Gatenby	Butcher	10	-	-
John Haw sen	Cooper	10	-	-
John Metcalfe	Joiner	6	-	-
William Metcalfe	Joiner	10	1	2
James Parker	Cordwainer	10	-	-
George Smith sen	Tailor	10	-	-
John Wilson	Tailor	10	-	-

28 Weavers, Woolcombers or Weaver/Woolcombers none of whom served in any office.

9 Labourers and 1 'cottager' only two of whom served in any office:-

Zachariah Haw	Labourer	10	-	Pindar
George Heslop	Labourer	10	3	1

(Farmer) = occupation assumed

Table 68. Snape jurors and officers with known occupations 1784-93.

the gentry served as jury foremen but not as constables.¹⁴³ It would seem the farmers now dominated the Snape offices as they had at Well fifty years before.¹⁴⁴

At Well the farmers seem to have consolidated their hold: Table 70 reveals that every one of the eleven officers for whom we have occupations was a farmer.¹⁴⁵ Table 69 shows that the officers were drawn from those men in the exclusive group of jurors who served most often: only one of the thirteen dominant jurors does not feature among the constables and only one constable was not a dominant juror. But Edmund Ward was once a collector of taxes and we have seen already that Richard Lofthouse probably acted for Elizabeth Lofthouse the widow of Christopher Lofthouse (Loftas) who was a leading juror and officer earlier in the century. The pattern of repeated service is less clear than at Snape: five constables served twice in consecutive years, including two who served together for two years, but at least four years in the ten the constables did not include one of the previous year's constables. However, at least five of the eight constables appointed in the latter years had served before and continuity was therefore maintained, if not with the year immediately preceding. The absence of full records of bilawmen precludes comparisons with the position fifty years before but it is clear that service as a juror and as an officer was now exclusive in both villages.¹⁴⁶

¹⁴³ Strangeways: 1/443 and 1/451; Anthony Hanby: 1/455; and William Hanby: 1/457 and 1/461.

¹⁴⁴ Francis Chapman sen: W5/f.7v; William Chapman: W5/f.8v and W5/f.12; Crow: W5/f.14; Egglestone: W5/f.12; Eggling: W5/f.14; Christopher Gatenby: W5/p.18; Norfolk: W5/p.21; and Peacock: W5/f.9v and W5/f.13. Crow must have farmed in a small way because he was also described as a labourer: 1/464, 1/468 and 1/473. Norfolk was also once described as a labourer (W5/f.16) but he had at least 68 acres in Snape; William Heslopp had at least 46 acres and has been treated as a farmer too: Horsfall, *Manor of Well and Snape*, pp. 295-305.

¹⁴⁵ Sayer: call lists from 1/453 to 1/473, 1/458, 1/462, 1/465 and 1/471; Hare: W3/p.37; Hanby: W5/p.21; Hawxwell: W5/f.15; Johnson: W5/f.17; Pybus: W5/f.15 and W5/p.20; John Walbron: W5/f.11; William Walbron: W5/f.11 and W5/f.16. Clarkson, Exelby, Fleeming and Sayer had at least 60, 72, 169 and 144 acres respectively: Horsfall, *Manor of Well and Snape*, pp. 295-305.

¹⁴⁶ Bilawgraves are named only in the 1786 jury list: 1/447.

	Listed	Juror	Foreman	Constable	Bilawman	
Thomas Hawxwell	6	6	-	1	-	
William Hanby	2	2	-	2	-	
John Lyon	2	2 + 1	-	1 + 1	-	
Joseph Clarkson	10	9	-	1	1	PP
William Exelby	10	9	-	2	1	PPPC
Robert Fleeming	10	9	-	1	-	PPC
Richard Johnson	10	9	-	1	-	PC
William Pybus	10	9	-	1	-	
John Sayer	10	9	9	1	-	PPPC
John Walbron	10	9	-	1	1	C
William Walbron	10	9	-	2	-	
Edmund Ward	10	9	-	-	-	C
Simon Johnson	8	7	-	2	1	C
Edward Hare	9	5	-	-	-	PC
William Dobson	10	4	-	-	-	
George Prest	10	4	-	-	-	
Thomas Annell	4	0 + 1	-	-	-	
Richard Cleasby	10	1	-	-	-	C
Thomas Hare	Free tenant	1	-	-	-	
Richard Lofthouse	-	1	-	1	-	

The addition to the 'Constable' column gives the number of times a tenant-to-be served when unlisted.

C = Collector of land tax
P = Overseer of poor

Table 69. Well constables and bilawmen 1784-93.

	Occupation Listed	Listed	Juror	Constable	Bilawman	
			(Foreman)			
John Sayer	'Mr' (Farmer)	10	9 (9)	1	-	PPPC
Edward Hare	Yeoman (1765)	9	5	-	-	PC
Joseph Clarkson	(Farmer)	10	9	1	1	PP
William Exelby	(Farmer)	10	9	2	1	PPPC
Robert Fleeming	(Farmer)	10	9	1	-	PPC
William Hanby	Farmer	2	2	2	-	
Thomas Hawxwell	Farmer	6	6	1	-	
Richard Johnson	Farmer	10	9	1	-	PC
William Pybus	Farmer	10	9	1	-	
John Walbron	Farmer	10	9	1	1	C
William Walbron	Farmer/ Butcher	10	9	2	-	

(Farmer) = occupation assumed

C = Collector of land tax
P = Overseer of poor

Table 70. Well jurors and officers with known occupations 1784-93.

	Tax paid			Juror (Foreman)	Constable
	£	s.	d. #		
Mary Strangeways	7	14	0	Richard: 2 (2)	-
William Peacock	4	14	9 #	9	2
William Wilkinson	2	9	5 #	3	-
John Hawxwell	1	18	3	9	1
William Heslop	1	16	4	6	1
Thomas Ward	1	14	7	9	1
Thomas Lamb	1	13	0	9	-
Francis Chambers	1	12	3	8	-
Francis Chapman	1	12	3	-	-
John Egelstone	1	12	3	9	2
Christopher Gatenby	1	10	3	6	2
John Topham	1	8	1	8	-
Christopher Metcalfe	19	1		2	-
William Metcalfe	18	0		1	2
George Heslop	15	0		3	1
Christopher Loftas	15	0		Listed at Well	
Thomas Plummer	15	0		Not listed	
Joseph Crow	18	9		7	2
John Sayer	16	0		Listed at Well	
William Lamb	12	0		2	-
William Chapman	11	7		4	2
William Gatenby	11	3		-	-
Edmund Ward	10	6		Listed at Well	
John Cirby	9	5		-	-
Zachariah Haw	8	7		-	Pindar
John Weatherel	8	3		2	-
Bryan Asquith	7	6		Not listed	
Christopher Palliser	7	6		4	-

and forty-five other men, including six listed at Well and four not listed, all of whom paid less than 7s.6d. and none of whom served as manorial officers.

* rounded to nearest penny.

includes tax paid for land at Well.

Table 71. Offices held by men who paid land tax at Snape in 1787.

Another source confirms that the men with land were the most heavily involved in office-holding in both villages. Tables 71 and 72 give the land tax paid by men in the respective villages in 1787 in descending order and they also give the offices held.¹⁴⁷ At Snape all the jurors and officers were drawn from the

¹⁴⁷ NYCRO/QDE(L).

	Tax paid			Juror	Constable	Overseer	Collector
	£	s.	d.	*	(Foreman)		
Edward Hare	6	13	0	5	-	1	1
Richard Strangwaies	5	19	6	-	-	-	-
John Sayer	2	15	0	#	9	1	3
William Exelby	2	7	0	#	9	2	3
William Peacock	1	17	0		Listed at Snape		
Robert Fleeming	1	14	0	9	1	2	1
John Hauxwill	1	5	0	-	-	-	-
Joseph Clarkson	1	4	0	9	1	2	-
William Pibus	1	4	0	9	1	-	-
John Walburn	1	4	0	9	1	-	-
Richard Johnson	1	3	0	9	1	1	1
Edmund Ward	1	1	6	#	9	-	-
Chris Lofthouse	19	0	#				
				Richard:	1	1	-
George Prest	17	0		4	-	-	-
William Walburn	10	0	s	9	2	-	1
Simon Johnson	7	0		7	2	-	1
Chris Hughson	6	0		-	-	-	-
Robert Squire	6	0		-	-	-	-
William Wilkinson	5	0			Listed at Snape		
Richard Cleasby	4	0		1	-	-	1
William Dobson	4	0		4	-	-	-
Thomas Johnson	4	0		-	-	-	-
John Sickling	3	6		-	-	-	-
John Chapman	3	3	#	-	-	-	-
Thomas Court	3	2	#	-	-	-	-
Richard Handley	3	0			Not listed		
Brian Smith	3	0		-	-	-	-
George Deighton	2	3	#	-	-	-	-
Thomas Marshall	2	2	#	-	-	-	-
Thomas Annal	2	0		1	-	-	-

and thirteen men, including one with land in Snape and one not listed, all of whom paid two shillings or less and none of whom served as manorial officers.

* rounded to nearest penny. # includes tax paid for land at Snape. s Walburn also had land at Snape but a blot hides the tax paid

Table 72. Offices held by men who paid land tax at Well in 1787.

twenty-eight top male tax-payers who paid seven shillings and sixpence or more, indeed from twenty-four if those resident elsewhere are excluded. At Well only fifteen paid as much and they provided most of the jurors and officers but four men lower in the list also served. The correlation between regular jury service and tax paid is

apparent in both villages too.¹⁴³ Given that the dominant office-holders were farmers the correlations are not surprising but they also show that frequency of service generally went hand in hand with the quantity of land held. The tables also confirm the extent to which the men of one village held land in the other: thirteen men listed in one village paid tax on land in the other.

Wrightson has pointed out that the 'enthusiastic production of neat tabular hierarchies of gentlemen, yeomen, tradesmen and craftsmen, husbandmen and so forth ... provides at best an imperfect guide to the essential realities of the social order of this [the early modern] period' and that 'indeed, taken too literally, such analytical constructions can actually distract attention from some of the complexities and ambiguities of the social structure.'¹⁴⁴ The tables of officers with their occupations in this and the previous chapter are indeed 'imperfect'. Nevertheless they give the unmistakable impression that early in the seventeenth century the manorial presentment jurors and officers were distributed among the classes and quite widely. We have seen how the system broke down and how by the end of the eighteenth century the choice had narrowed considerably: a comparatively small group of men provided the jurors and constables in both villages, and the other posts in Well of which we have a record. The mid eighteenth-century poor-law

¹⁴³ Richard Strangeways is conspicuous in second place in the Well table yet he was not a juror and did not hold office during our period. Designated a gentleman in the call rolls and 'esquire' in the parish registers he possessed at least two farms in 1795. As a gentleman and farmer he might have been expected to play a role in the administration of the manor but there is nothing in the records to explain why he failed to do so. He merely attended court four times during the decade. He must be differentiated from Richard Strangeways of Snape. The latter who lived at Snape Hall was buried in 1787 (W5/f.4v) and was succeeded by his widow and then by the Hanbys. The former lived at Well Hall, had succeeded his father of the same name in 1764 and died in 1829. It is assumed they were related but the parish registers and Horsfall throw no light on their relationship. 1/456, W2/f.41, W2/f.47v, W5/f.4v and W5/p.21; Horsfall, *Manor of Well and Snape*, pp. 134-5, 149, 194-7, 249 and 299-304.

¹⁴⁴ K. Wrightson, 'Social Order of Early Modern England: Three Approaches', in L. Bonfield, R. M. Smith and K. Wrightson (eds), *The World We Have Gained: Histories of Population and Social Structure* (Oxford, 1986), pp. 187-8.

assessment at Well has shown that generally these men were the better off in the village. For all their imperfections the occupation tables seem to indicate these men were generally farmers and the land-tax lists for both villages forty years later confirm that with the odd exceptions they were the men with most land. There is no evidence of substitutions and no other evidence of any reluctance by these men to take on the increasing burden.¹⁵⁰ The numbers and status of the men appointed changed but consistently through two centuries we have found that almost all those who served were recorded in the call lists and call rolls: most of the few men who served when unlisted represented listed persons, often their mothers, and others were ex-tenants or tenants-to-be soon to be listed. Unlisted persons played little part in the administration of the manor but we now turn to them so that we can assess the accuracy of the later call rolls.

Unlisted Persons in the Court Rolls and Parish Registers

Early in the seventeenth century a number of men not named in the call lists appeared elsewhere in the rolls for the two Vale of Mowbray manors. Some were to be listed later, some had been listed before and others were not listed during the periods studied. We found that many of these unlisted men probably lived in the households of listed persons and the nature of the entries about others gave no reason to believe they were heads of households omitted from the call lists, indeed in some cases we know they lived out of the manor. But in a few cases in each village the evidence of the rolls supplemented by the parish registers indicated men were certainly or probably resident unlisted. The position remained much the same throughout the other three periods in both villages. The rolls for the later seventeenth-century period mention fifty-two men

¹⁵⁰ Anthony Reynold of Snape was amerced in 1672 for refusing to take the oath as bilawman but he was also marked as sworn and he appears to have served for there seems to have been no substitution: 3/109. The Snape yeoman William Thompson was amerced in 1688 for failing to appear at the leet 'according to the duty of his office' but he had accepted the appointment and this was therefore an example only of inefficiency: 1/127 (the offence is in a short estreat and does not feature in Table 42). John Theakston's name is deleted under the bilawgrave heading on the 1731 Snape jury list but there could have been some other reason for the deletion: 1/226.

not listed in the call rolls at the time, twenty-one of whom were residents-to-be and tenants-to-be. Some probably lived with their relations;¹⁵¹ the entries about others are not such that residence in the manor is indicated, indeed in four cases the rolls give the place of residence elsewhere;¹⁵² and sometimes the record is just too imprecise.¹⁵³ But seven men at Snape¹⁵⁴ and eight men at Well¹⁵⁵

¹⁵¹ Snape: John Horner, John Gill, William Bayne and James Dobby; see discussion of Tables 55 and 56 and footnote 184 (Horner); Henry Dinsdale with the tenant and widow Margaret Dinsdale: 3/139, W1/f.56v and W1/f.61v. Well: Thomas Brown and Robert Harrison: see discussion of Table 50 and footnote 184 (Brown); Robert Birkdale junior with Robert Birkdale senior: 3/103 and 3/109; John Wilson junior with John Wilson senior: 1/189, 3/104 and 3/139; Thomas Shotton junior with Thomas Shotton senior: 1/206 and W1/f.30v; William Thompson junior with William Thompson senior: 1/202, 1/206, 1/209 and 3/141; and Thomas Toes with Margaret Toes: 1/208 and 3/125.

¹⁵² Thomas Jackson 'belonging to burton milne': 3/104; John Kyldin of Tanfield: 1/191; Mr Richard Taiton of Kirklington: 1/195 and 1/197; Mathew Clarkson of Nosterfield: 1/209, W1/f.57v, W1/f.58 and W1/f.58v; Richard Wilson and Simon Bedford [Badforth]: 1/197; Mathew Hawxwell: 1/202; Jacob Thompson: 1/203; Abraham Smorthwaite: 1/206; John Foster and John Jackson: 1/208; John Thompson: 3/119; Robert Thompson: 3/123; and Henry Watson and George Firby: 3/143.

¹⁵³ For example, the lay-out of a list of 'Tenants to be admitted this Court' in 1676 seems to suggest that William Mitchell may have taken over from Christopher Mitchell and Christopher Hunton from Tim Hunton but in our period Christopher Mitchell and Tim Hunton did not appear in the call rolls: 3/122. Also see Richard Birkdale and John Simpson: 1/199 (no call rolls that year); Richard Raper, Thomas Pickren and Robert White: 3/112; Robert Bridgewater: 3/114 and 3/119; John Firby and Thomas Gill: 3/141; and John Blackburn: 3/141 and 3/143.

¹⁵⁴ Brathwaite: 1/143, 3/114, 3/122 and 3/123; Firby: 3/114, 3/136, W1/f.53, W1/f.53v, W1/f.54 and W1/f.55v; Hunton: 3/122, 3/128, 3/130, 3/136 and W1/f.55v; Mackin: 1/190, 3/110, W1/f.53 and W1/f.56. Mitchell: 3/122, 3/124, 3/128 and 3/133; Thompson: 1/203, W1/f.54, W1/f.54v and W1/f.56; and Wetherell: 1/194, 3/122, 3/124, 3/128, 3/130, W1/f.52v, W1/f.54 and W1/54v. (He was later specifically said to be of Snape twice and when he was buried he was said to be of 'Wet Rane' which was a farm in the parish: W1/f.57v, W1/f.61v and Horsfall, *Manor of Well and Snape* p. 158).

¹⁵⁵ Chapman: 3/143, W1/f.53, W1/f.53v, W1/f.54v, W1/f.55, W1/f.57 and Well inventory 16 at Bedale Museum; Firbie: 1/195, 1/209, 3/103, W1/f.27 and W1/f.61; Hawxwell: 1/206 (The 'Edward' is very clear but this could have been a mistake for there was an Edmund Hawxwell who was a Well tenant at the time); Christopher Hewson: 1/206, 1/208 and W1/f.57v; Robert Hewson: 1/200, 1/206, W1/f.54, W1/f.55v and W1/f.57; Hunter: 1/192, 3/103, 3/108, 3/112 and 3/114; Jackson: 1/193, 1/197 and 3/118; and Langstafe: 1/201, W1/f.54 and W1/f.56. (He appeared in the Snape presentment jointly with Margaret Brown, (Continued ...

	1671	72	73	74	75	76	77	/	81	82	83	84	85
Snape													
John Brathwaite			U	U	U	t	t		t	t	t	t	t
William Firby			U	U	U	U	U		r('mort')				
Christopher Hunton						U	U		r('exit')				
John Mackin	U												
William Mitchell						U	U		r	r	r	r	r
John Thompson	U	U	U	U	U	U	U		U				
Richard Wetherell				U	U	U	U		t	t	t	t	t
Well													
William Birkdale													U
Francis Chapman			U	U	U	U	U		U	U	U	U	U
Richard Firbie	U	U	U	U	U	U	U		U	U	U	U	U
Edward Hawxwell									U				
Christopher Hewson									U	U			
Robert Hewson							U		U	U			
John Hunter	U	U	U	t	t	t	t		t	t	t	t	t
Aaron Jackson				U	U	U	U		t	t	t	t	t
John Langstafe									U				
Parish registers (village not indicated)													
Robert Scott	U	U	U	U	U	U	U						
Totals	5	4	7	8	8	9	10		5	5	3	2	3
													Mean
													5.8

U = Probable unlisted residence

t = tenant

r = resiant

Table 73. Men mentioned in the court rolls and parish registers who were probably resident unlisted at Snape and Well 1671-85.

listed in Table 73 seem to have lived in the manor unlisted.

The parish registers tend to confirm that the call rolls continued to list all but a few of the heads of households in the manor. Table 74 shows that most of the fathers of children baptized, most of the fathers and husbands named in burials entries and most of the bridegrooms were listed or otherwise mentioned in the court rolls. Some of the unmentioned fathers and husbands named in the baptismal and burial entries lived elsewhere; others with names known in the manor could have been members of listed households; yet more who were mentioned only once had perhaps returned for the

¹⁵⁵ Continued ...) a Well tenant. He had married a Barbara Browne and could have been a member of the Browne household.

	Baptisms (fathers)	Burials (fathers and husbands)	Marriages (grooms)
Listed tenants	68 (65.4%)	86 (63.7%)	34 (65.4%)
Listed residents	12 (11.5%)	29 (21.5%)	3 (5.8%)
Unlisted but mentioned in the rolls	12 (11.5%)	10 (7.4%)	2 (3.8%)
Unlisted and not mentioned	12 (11.5%)	10 (7.4%)	13 (25.0%)
Totals	104	135	52

Table 74. The call-list status of men named in Well parish registers 1671-85.

ceremony from elsewhere or were transients not resident long enough to be listed. The absence from the baptisms of men named in the burials, and the absence from the burials of men who had only one child baptized, seem to support the suggestion that they had retained links with the parish from elsewhere or they were merely passing through. The surnames of some bridegrooms indicate they were local men; others had married local women and often the registers show they lived in other villages. In the few cases where neither groom nor bride had a local surname the couples appear not to have settled in the parish for they are not mentioned again. But the registers reveal the presence of a few more men who seem to have been heads of households who were not listed in the call rolls or mentioned in the court rolls. The span of their register entries shows they were not transients and they do not seem to have had relations in listed households. Two such men, William Birkdale and Robert Scott, appear in the registers for the late seventeenth-century period and they are included in Table 73.¹⁵⁶

Table 73 should be treated with the same caution as the earlier similar tables for there could have been more unlisted

¹⁵⁶ Birkdale: W1/f.57v and W1/f.61; and Scott: W1f.49, W1/f.50v, W1/f.52, W1/f.53, W1/f.53v and W1/f.54.

men and the periods of unlisted residence of those in the table could have been longer. The mean number of probable unlisted men in the manor (5.8) is less than half the mean for both villages revealed by the rolls earlier in the century (15.9) but there had been a marked reduction in the numbers of offences presented and the court baron business had probably declined too. Nevertheless the registers revealed only two resident but unmentioned men and the evidence available gives no reason to suppose that there were very many unlisted men resident in the manor at that time.

For none of the men resident in the manor but not enrolled late in the seventeenth century are there obvious reasons why the other villagers might have found them unacceptable. They included assaulters, encroachers, abusers of the common, a pinfold-breaker, hedgebreakers and a man who took the lord's wood, but these were offences also committed by listed persons; but they also included presentment jurors, a bilawman and an inventory appraiser.¹⁵⁷ It would be wrong to assume they were all poor: Richard Firbie of Well was discharged from paying the hearth tax in 1673 and three of the others probably resident unlisted that year do not appear in the tax lists but John Brathwaite of Snape and John Hunter of Well paid the tax.¹⁵⁸ It is of interest in this context to note that two of the resident but unlisted men at Well were called Hewson. Another Hewson called William was a listed resident throughout the period and he was named in thirteen out of seventeen presentments between 1670 and 1686 for putting his goods on the common without right. He was amerced from fourpence to eightpence in each case and some of the documents reveal it was a horse he put on the common repeatedly. One other resident committed this offence once and twelve tenants committed sixteen similar offences between them, none of them more than twice. But only Hewson seems to have been a perpetual offender. It is assumed that had they wanted to stop him the jury could have tried increasing the penalties but they chose not to. There is no evidence that anyone else had what might have been in effect a licence to use the common in return for the payment of

¹⁵⁷ For references see above.

¹⁵⁸ Hebden, *Hearth Tax List*, 2, pp. 50-1.

finer. Hewson seems to have been tolerated as a nuisance and allowed to get away with cocking a snook at the custom of the manor.¹⁵⁹ There is no evidence of any relationship with the unlisted Hewsons but in accepting their presence without listing them the court seems to have adopted much the same ambivalent attitude as they did to the listed Hewson.

In the early eighteenth-century period the rolls mention thirteen men before they were listed and fifty-five men who were not listed during the period. But of the latter forty-two were amerced for failing to scour the main or middle dike or ditch: many of these men can be shown to have lived elsewhere and the absence of parish register evidence for most of the others indicates they probably did so too.¹⁶⁰ Some of the remainder probably lived in others' households, others were transients or from neighbouring villages and again some entries are too vague. But nine of these men seem to have lived in the manor unlisted, indeed in four cases we know whose houses they lived in.¹⁶¹ John Coultman was amerced three times in the four years before he was listed from 1733. A 1734 hospital lease reveals that Coultman lived in Hunter's House, Well, and his landlord changed that year. This property had formerly been occupied by William Jewitt and his wife Jane who died in 1723 and 1728/29 respectively and it may not be a coincidence that Coultman's

¹⁵⁹ 1/189, 1/191, 1/193, 1/195, 1/197, 1/200, 1/202, 1/206, 1/208, 1/209, 3/103, 3/104, and 3/143. His name is also at the bottom of the 1674 verdict without an offence or penalty but perhaps we can guess what they would have been given his record: 3/118.

¹⁶⁰ William Rala, Nosterfield: 1/211, 1/216 and 1/227; John Carlisle and Michael Gill, Burneston: 1/212; William Prest, Carthorpe: 1/215; Christopher Tanfield, Carthorpe: 1/216, 1/224 and 2/119; Joseph 'Wynd' was perhaps the free tenant Joseph Wynn who lived at Nosterfield: 1/216 and 2/86; Mr Walker, Burneston, and Robert Huson, Exelby: 1/228; John Beckwith, Exelby: 1/238 and 1/260; John Bell, Exelby: 1/223 and 1/279; and Henry Pears [Piercel], Bedale: 1/223, 1/260 and 1/269. 'A View taken by the Jury of Snape on June ye: 30: 1743 betwixt Raskill Head and Leeman [Leeming] Mill' seems to indicate the jury went out of the manor seeking offenders: 1/279. In 1732 the main water course was specifically said to be 'leading to Leeming': 1/231.

¹⁶¹ The references for the other five are: Bell: 1/243 and W2/f.11; Darnborough: 1/211, 1/216, 1/224, W2/f.4v and W2/f.6; Grainger: 1/222 and W2/f.10v; Rose: 1/227, W2/f.5, W2/f.6, W2/f.12 and W2/f.13; and Thompson: 1/228, W2/f.10, W2/f.11 and W2/f.11v.

	Baptisms (fathers)	Burials (fathers and husbands)	Marriages (grooms)
Listed	53 (69.7%)	51 (79.7%)	21 (41.2%)
Unlisted but mentioned in the rolls	4 (5.3%)	3 (4.7%)	4 (7.8%)
Unlisted and not mentioned	19 (25.0%)	10 (15.6%)	26 (51.0%)
Totals	76	64	51

Table 75. The call-list status of men named in Well parish registers 1727-36.

first appearance in the rolls was in 1729. If he moved into Hunter's House soon after Jane Jewitt's death then he lived there unlisted until the property changed hands four years later.¹⁶² William Hewson, Abraham James and George Manfield appear in the presentments and repeatedly in the parish registers where their residences are given as Well; hospital leases tell us that Hewson and James shared a cottage owned by Christopher Tanfield of Carthorpe and Manfield lived in a messuage leased to John Clarkson of Nosterfield, yet they were not listed.¹⁶³

Table 75 shows that the numbers of identifiable resident adult males named in the registers but not in the rolls rose as the numbers of presentments and suits, and the opportunities for being mentioned in them, fell: the proportions in all three columns had doubled. But again many men appeared only once and we have confirmation that the 'Snape' and 'Well' entries against their names were not an indication of accepted permanent residence: John Burket, one of the husbands named in a burial entry was described as a 'foreigner' notwithstanding the statement in the same entry that he

¹⁶² 1/219, 1/223, 1/232 and 2/147.

¹⁶³ Hewson: 1/224, 1/232, 1/242, 2/119, W2/f.12v, W2/f.13v and W2/f.19; James: 1/242, 2/119, W2/f.10v, W2/f.11v, W2/f.12v, W2/f.14, W2/f.15, W2/f.16v and W2/f.17v; and Manfield: 1/242, 2/144, W2/f.11, W2/f.13, W2/f.14v and W2/f.15v.

hailed from Snape.¹⁶⁴ The absence of occupations in the early eighteenth-century entries involving such men could also be significant given that they are included in most entries at that time: perhaps the clerk did not know their occupations because of their impermanence. However, the numbers and timing of the entries about eleven men seem to indicate residence.¹⁶⁵ These men are listed in Table 76 with the nine unlisted men revealed by the rolls. The rolls produced less, the registers more but the result is much the same: a mean of less than ten men probably resident unlisted at any given time.

The occupations of some of the men in Table 76 show they were lowly: they include ten labourers, two weavers, a carpenter, a collier and a mason.¹⁶⁶ But the omissions cannot be explained by the status of the men left out for the call rolls included several labourers in both villages.¹⁶⁷ And some of the unlisted men were perhaps slightly higher in status for they also included a tallow chandler, a butcher, an innkeeper and a farmer. Nor can their omissions be explained by their behaviour for their offences were no different from those committed by listed persons. The records do not reveal the reasons for the omissions but whatever they were it seems that few men were still omitted at any given time.

By the late eighteenth century the drastic reduction in presentments and pleas left few opportunities for men,

¹⁶⁴ W2/f.12v.

¹⁶⁵ Ascough: W2/f.12 and W2/f.13; Boynton: W2/f.12v and W2/f.14; George and Thomas Dobson: W2/f.6v, W2/f.7, W2/f.7v, W2/f.9v, W2/f.10v, W2/f.11v*, W2/f.13, W2/f.14*, W2/f.15v*, W2/f.17v*, W2/f.18* and W2/f.19 (* = 'Dobby: references to John Dobbie of Snape reveal that the names Dobson and Dobbie were interchangeable in the parish at that time: 1/233, 1/244, 1/245, 2/62, W2/f.5, W2/f.5v, W2/f.6v, W2/f.7, W2/f.7v, W2/f.7v, W2/f.9 and W2/f.12.); Leroy: W2/f.13v, W2/f.15 and W2/f.18v; Lowson: W2/f.9v and W2/f.14v; Marshall: W2/f.13, W2/f.14, W2/f.14v and W2/f.18; Reynard: W2/f.4, W2/f.5, W2/f.6, W2/f.10v and W2/f.19; Sayer: W2/f.12v and W2/f.14; Sibbett: W2/f.8v, W2/f.10v, W2/f.12, W2/f.12v, W2/f.13v, W2/f.14v and W2/f.15v; and Wells: W2/f.10, W2/f.11v, W2/f.13, W2/f.15 and W2/f.17v.

¹⁶⁶ Occupations are in the parish-register references given already.

¹⁶⁷ Snape: John Shepherd: W2/f.5v; Cuthbert Thompson: W2/f.13; Richard Wilson: W2/f.5 and W2/f.7v; Well: Robert Hewson: W2/f.14. These men were listed throughout the period and there were other labourers listed for shorter spells.

	1727	28	29	30	31	32	33	34	35	36	
Snape											
James Bell						U	U	U			
William Thompson				U	U	U	e	e	e	e	
Joseph Ascough							U	U			
Christopher Boynton								U	U	U	
John Marshall									U	U	
Thomas Reynard	U	U	U	U	U	U	U	U	U	U	
James Sibbett	U	U	U	U	U	U	U	U	U	U	
Well											
Chris. Darnborough	U	U	U	U	e	e	e	e	e	e	
Thomas Rose	U	U	U	U	U	e	e	e	e	e	
Michael Grainger				U	e	e	e	e		'removed'	
John Coultman			U	U	U	U	e	e	e	e	
William Hewson				U	U	U	U	U	U	U	
Abraham James				U	U	U	U	U	U	U	
George Manfield					U	U	U	U	U	U	
George Dobson	U	U	U	U	U	U	U	U	U	U	
Thomas Dobson			U	U	U						
David Leroy											U
Christopher Lowson			U	U	U	U	U	U	U	U	
Thomas Sayer								U	U	U	
Thomas Wells				U	U	U	U	U	U	U	
Totals	5	5	8	13	12	11	10	12	11	9	Mean 9.6

U = Probable unlisted residence

e = enrolled

Table 76. Men mentioned in the court rolls and parish registers who were probably resident unlisted at Snape and Well 1727-36.

listed or unlisted, to be mentioned in the rolls other than in the call rolls themselves or in the lists of jurors and officers. Of the nine unlisted men who were mentioned six were probably members of others' households and the references to two more were only fleeting. The ninth, John Lyon, served as a juror and constable in 1789, was listed in 1790 and 1791, was marked 'removed' in 1792, and therefore there is evidence in the rolls of unlisted residence for only one man for only one year.¹⁵⁸ This apparent reduction in the number of probable unlisted heads of households merely reflects the paucity of information in the later court records; the unlisted men were there,

¹⁵⁸ 1/454, 1/460, 1/464 and 1/468.

	Baptisms (fathers)	Burials (fathers and husbands)	Marriages (grooms)
Listed	100 (72.5%)	61 (80.3%)	28 (33.7%)
Unlisted but mentioned in the rolls	-	-	12 (14.5%)
Unlisted and not mentioned	38 (27.5%)	15 (19.7%)	43 (51.8%)
Totals	138	76	83

Table 77. The call-list status of men named in Well parish registers 1784-93.

indeed there were more of them, but we have to turn to the parish registers to find them. Table 77 shows that although the proportions of unmentioned men to be found in the registers had remained much the same the actual numbers had increased. And more of these men seem to have been probable unlisted residents: fifteen who were not listed during the period and sixteen who were listed but only after a period of unlisted residence.¹⁶⁹ These unlisted and unmentioned but resident

¹⁶⁹ Never listed: Auton: W2/f.41v, W3/p.170, W5/f.2, W5/f.8, W5/f.12, W5/f.17, W5/p.18, W5/p.26 and W5/p.35; Bolland: W5/p.21, W5/p.28 and W5/p.37; Buckle: W2/f.40v, W3/p.156, W5/f.2, W5/f.8, W5/f.13, W5/f.16 and W5/p.19; Buckton: W2/f.48, W3/p.158, W3/p.179, W5/f.2, W5/f.5, W5/f.15 and W5/p.18; Caygill: W5/f.3, W5/f.12, W5/f.16 and W5/p.19; Cooper: W5/f.9, W5/f.16, W5/p.18, W5/p.20 and W5/p.32; Craggs: W5/f.16, W5/p.19, W5/p.24 and W5/p.33; Croft: W5/p.19 and W5/p.21; Exelby: W5/p.21, W5/p.23, W5/p.25, W5/p.28 and W5/p.37; Halliday: W5/p.19, W5/p.20, W5/p.22, W5/p.26, W5/p.29 and W5/p.130; Hopper: W5/f.17, W5/p.29 and W5/p.33; Joblin: W3/21.5.1787 and W5/p.18; Loftus: W2/f.10v and W5/f.10v; Topham: W2/f.38, W2/f.39v, W2/f.40v, W5/f.1 and W5/f.3; and Williamson: W5/f.11, W5/p.22, W5/p.26 and W5/p.20. Listed later: Annell: W3/4.9.1783; W5/f.2, W5/f.6, W5/f.11 and W5/f.16; Bell: W3/bet. entries 194 and 195, W5/f.9, W5/f.15 and W5/p.19; Christopher Boyenton junior: W5/f.11; John Boyenton: W2/f.46, W3/26.9.1791 and W5/p.19; Dobby: W3/2.6.1784, W5/f.10, W5/f.11v, W5/f.15 and W5/p.19; Gale: W3/bet. entries 183 and 186, W5/f.5 and W5/f.10; Haw: W5/f.4 and W5/f.10; Hewson: W3/4.6.1791 and W5/p.19; Morrell: W5/f.2 and W5/f.4; Rennard: W5/f.7 and W5/f.10; George Robinson: W3/23.5.1784, W3/1.11.1787, W5/f.6, W5/f.14 and W5/p.18; John Robinson: W2/f.39v, W3/19.11.1786, W2/f.39v, W5/f.16, W5/p.18 and W5/f.9v; (Continued ...)

	1784	85	86	87	88	89	90	91	92	93
Snape										
Thomas Auton	U	U	U	U	U	U	U	U	U	U
Christopher Bell		U	U	U	U	U	U	U	U	e
John Bolland										U
Chris. Boyenton jun					U	U	e	e	e	e
John Boyenton	U	U	U	U	U	U	U	U	U	e
Richard Cooper			U	U	U	U	U	U	U	U
Thomas Craggs							U	U	U	U
John Dobby	U	U	U	U	U	U	e	e	e	e
Christopher Exelby										U
William Halliday									U	U
John Haw jun	U	U	U	U	U	U	e	e	e	e
George Hewson								U	U	e
William Loftus	U	U	U	U	U	U	U			
William Rennard		U	U	U	e	e	e	e	e	e
George Robinson	U	U	U	U	U	U	U	U	U	e
John Robinson	U	U	U	U	U	U	U	U	U	e
Francis Smith	U	U	e	e	e	e	e	'dead'		
William Topham	U									
Well										
Robert Annell	U	U	U	U	U	U	U	U	U	e
James Buckle	U	U	U	U	U	U	U	U		
William Buckton	U	U	U	U	U	U	U	U		
Edward Caygill	U	U	U	U	U	U	U	U		
Thomas Croft									U	U
Ralph Gale	U	U	U	U	e	e	e	e	e	e
Thomas Hopper								U	U	U
Roger Joblin				U	U	U	U			
John Lyon						U	e	e		
George Morrell	U	e	e	e	e	e	e	e	e	e
John Scurrah				U	U	U	e	e	e	e
Joseph Scurrah				U	U	U	e	e	e	e
Robert Williamson						U	U	U	U	U
										Mean
Totals	15	15	15	18	17	19	14	14	13	9 14.9

U = Probable unlisted residence e = enrolled

Table 78. Men mentioned in the court rolls and parish registers who were probably resident unlisted at Snape and Well 1784-93.

men with the periods of their probable residence are given in Table 78. We have the occupations of twenty-two of the thirty-one men in

169 Continued ...) John Scurrah: W3/bet. entries 202 and 203, W3/24.3.1788 and W5/f.15; and Joseph Scurrah: W3/9.8.1787 and W5/f.11; Smith: W5/f.4.

the table and they were of the lowly type omitted from the lists in the past: they included six labourers, seven weavers, three woolcombers, four cordwainers, a carpenter and a blacksmith.¹⁷⁰ But we have seen already that occupations alone cannot explain omissions and the table hints that some at least were the result of inefficient record-keeping: of the sixteen men eventually listed six were added to the lists in 1790 and six in 1793 which suggests that perhaps the lists were brought up to date those years. Nevertheless the table seems to confirm there were few resident but unlisted men in the manor.

Another source seems to confirm that the men omitted continued to be comparatively few. A private Act of Parliament, enacted to make changes in the lands subject to trusts, rights or interests in favour of Well hospital, includes schedules of some of the occupiers of houses or land in Snape or Well in 1795.¹⁷¹ Of sixty-six persons included in the schedules five had not been listed in the call rolls for 1793. It has been assumed one of these, Richard Lofthouse, resided with his mother and the parish registers have revealed the unlisted presence of another, Thomas Croft. The other three had names known in the manor and could have been members of listed households in 1793.¹⁷² The schedules suggest that perhaps the call rolls continued to cover almost all the households in the villages.¹⁷³

The court records themselves and the parish registers show that the call lists and rolls were incomplete. The imprecision of the tables listing the men probably omitted has been

¹⁷⁰ Occupations are in the parish register references given already.

¹⁷¹ 35 Geo. III, c 82; the Act is reproduced at Horsfall, *Manor of Well and Snape*, pp. 295-305.

¹⁷² John Simpson at Well; and William Dobby and Joseph Hawxwell at Snape.

¹⁷³ John Sayer, William Walbron and Edmund Ward appeared in both schedules but were listed only at Well and their service as officers confirms they resided there. It is possible that their omission from the Snape lists could have been because they were sub-tenants of listed persons but it is perhaps more likely that it had ceased to be the practice to include in both call lists men with land in both villages: in the earlier periods there were a few men listed in both villages but in the later period there were none.

admitted: men included may not have been residents after all or they may have been resident but in listed households; they may have been resident even longer than shown and there may have been other residents. But it has been suggested that it is unlikely that many men resident for any time would escape being mentioned in both the court records and the parish registers: the tables may be imprecise but the impression they give is perhaps not far from the truth. We have seen that the behaviour of some of these unlisted men was wanting but often no worse than that of listed men; some of them were lowly but lowly men were listed and some unlisted men were of slightly higher status; some of their surnames were foreign to the manor but others were members of established families in the villages. But they had in common their wait, some longer than others, before they were admitted to the call rolls and lists as tenants or residents. In medieval times 'villagers ... exercised jealous control of the acceptance of outsiders to their community'. The customs of admittance in the courts baron and customary have been said to be 'the remnants of ... the time when every transfer of property required the witness of the community to whose membership the new tenant was thereby admitted'; it was a consequence of 'the right of the community to determine whether a new settler should be admitted to membership'.¹⁷⁴ Perhaps we have seen elements of this control in the seventeenth and eighteenth centuries.

Households

We found that early in the seventeenth century the rolls themselves, the parish registers and a few inventories stated explicitly that some tenants were resident in the villages. Residence could be inferred for others from their service in manorial offices or from parish-register entries. But a few tenants lived out of the manor and in a few other cases residence had to be left open for want of evidence, either direct or circumstantial. To suggest the number of households in the villages we added to the mean resident tenants the mean listed residents and the mean numbers of men found to have

¹⁷⁴ R.Hilton, *Bondmen Made Free* (London, 1973), p. 31; Gomme, *Literature of Local Institutions*, pp. 176-7.

been unlisted but probably resident heads of households. Table 79 is the result of a similar approach to residence in the other three periods. The same sources were used but they were supplemented by direct evidence of residence in Well hospital leases, the hearth tax list and the 1795 Act, and by the indirect evidence of other offices contained in the Well account book. The proportion of male listed persons whose residence could be ascertained from these sources varied from some eighty-five to some ninety-five per cent.¹⁷⁵ A dozen or so men in each period, between three and seven per cent of the listed men, lived elsewhere but most lived in the villages where they were listed.¹⁷⁶

If the range of mean numbers of male heads of

¹⁷⁵ In the early seventeenth century few parish register entries gave residence specifically but the full court records for the early period facilitated the identification of the residence of 92.6% of the listed males. Later in the century the presentments and suits had declined and the residence of only 84.4% could be ascertained. But the other sources and the improvement in the registers in the eighteenth century raised the proportion to 88.4% in the early period and 94.2% in the later period notwithstanding the further decline in the use of the court.

¹⁷⁶ 1671-86, *Snape*: John Askwith, Well: listed both villages until 1677 but served as constable at Well, 1/119; Thomas Browne, Well: 1/205; Christopher Hawe, Well: Horsfall, *Manor of Well and Snape*, p. 222; Simon Scope, Well: W1/f.61; George Simpson and Richard Simpson, probably Sinderby, and Robert Whittons, probably Crakehall: Hebden, *Hearth Tax List*, 2, pp. 36 and 52. Well: Thomas Fosse, probably Rookwith, and Christopher Thompson probably Kirklington: Hebden, *Hearth Tax List*, 2, pp. 29 and 43; Edward Place, Canswick Park, Snape: Horsfall, *Manor of Well and Snape*, p. 160; John Thompson, Snape: 1/203. 1727-36, *Snape*: Edward Carter, Burneston: W1/f.63v and 2/54; John Dinsdale, Bedale: 2/146; Francis Shotton, Well: W2/f.5, W2/f.6, W2/f.7 and W2/f.11v. Well: John Blackwell, Stamford: PR/WEL/3/1, p. 3; John Clarkson, Nosterfield: see call rolls and 2/71 and 2/144; John Gyll, Kirby Malzeard: 2/154; Matthew Hawxwell, Beverley: 2/137; Rev. John Langstaff, Marske: 2/99, 2/123; Rev. Edward Place, Bedale from 1732: 2/127, 2/135, 2/145, 2/150 and Horsfall, *Manor of Well and Snape*, p. 193; Mr Rawsthorn, Ripon: 2/147; John Savile, Snape: 2/85; Peter Todd, Wath: 2/87. 1784-93, *Snape*: Robert Heslopp, 'removed' 1788 and did not attend thereafter: 1/453; George Hewson, Well: W3/4.6.1791 and W5/p.19. Well: Thomas Banks, Snape: W5/f.8v; Heirs of Mrs Beckwith: never represented and no evidence of residence; Edward Hare, Nosterfield: free tenant there and W5/f.11v; James Metcalfe, Snape: W5/f.5; Rev. Marwood Place, Dean of Middleham: Lesley Lewis (ed.), *Hird's Annals of Bedale*, (4 vols, North Yorkshire County Record Office, Northallerton, 1975), 2, p. 276 (note 399).

	Snape		Well	
1671-86				
Mean tenants	35.1		46.4	
	9.3?		2.5?	
Mean residents	12.9		9.5	
Mean unlisted	2.1	0.6*	3.1	
Snape Castle #	1.0		-	
				Totals
Mean heads of households	Min 51.1	0.6*	59.0	110.7
	Max 60.4	0.6*	61.5	122.5

1727-36				
Mean listed	57.3		49.5	
	6.9?		3.8?	
Mean unlisted	3.3		6.3	
Snape Castle and Thorpe Perrow	2.0			
Mean heads of households	Min 62.6		55.8	118.4
	Max 69.5		59.6	129.1

1784-93				
Mean listed	87.4		60.8	
	6.6?		1.3?	
Mean unlisted	9.0		5.9	
Snape Castle and Thorpe Perrow	2.0			
Mean heads of households	Min 98.4		66.7	165.1
	Max 105.0		68.0	173.0

? = residence not established or inferred

* village not indicated

the hearth tax list reveals Thorpe Perrow had a female head of household at that time: Lady Danby.

Table 79. Mean male heads of households at Snape and Well 1671-86, 1727-36 and 1784-93.

households is increased by fifteen per cent to allow for females the estimated number of households in the two villages late in the seventeenth century was 127 to 141. But the proportion of females in the 1673 parish hearth tax list is actually 21.5% per cent and increasing the mean households accordingly produces an estimate of 135 to 149.¹⁷⁷ The estimate is lower than the early seventeenth-century estimate of 156 to 162 households given in Chapter Three yet our parish-register calculations showed that the population of the parish probably increased at that time: it would appear the late seventeenth-century estimate could be too low. The figures for the early eighteenth-century period are similar, we have assumed the population of the parish was about the same at that time and therefore this estimate could be too low too. It would seem that perhaps in both periods some households headed by men were not reflected in the manorial records and parish registers. The deficiencies in the parish registers at that time and the reduced numbers appearing in presentments left less opportunities for detecting the presence in the parish of unlisted but resident heads of households.¹⁷⁸ The population of the parish had increased by the late eighteenth century and the range of mean numbers of male heads of households had increased too, reflecting a marked increase in the numbers listed. Better parish registers facilitate the detection of more resident but unlisted men and there are no reasons for doubting the enhanced range of 190 to 199 heads of households of both sexes. We have calculated a population of over nine hundred for the parish at that time and this would mean there were some 4.5 to 4.7 persons in each household, not improbable figures.

The hearth tax returns provide a means of checking the late seventeenth-century call rolls and the extent of their deficiencies. We have assumed the poorer parish registers and court records precluded detection of all the men resident in the manor unlisted at that time and the returns confirm the extent to which

¹⁷⁷ Hebden, *Hearth Tax List*, 2, pp. 50-1.

¹⁷⁸ The presence of a mean of 15.9 such men was established early in the seventeenth century yet this fell to 5.8 later in the century and, despite the probable increase in population, was still only 9.6 early the next: see Tables 33 and 79.

this was true. Superficially the hearth tax list for 1673 indicates the estimate is about right:¹⁷⁹ the list names 113 males at Snape and Well and the estimate derived from the rolls, registers and other records is 110 to 122 male heads of households in both villages. But here we are not comparing like with like for the estimate is a sixteen-year mean whereas the list covers a single year. The hearth tax returns are in any case generally believed to be an incomplete record of households.¹⁸⁰ But a comparison between the 1673 call roll and the hearth tax list that year reveals discrepancies between the two sources and throws light on omissions from both the tax list and the call roll.

The comparison was easier because the names in parts of the tax lists for both villages were in the same order as the call rolls. The lists cannot have been drawn up from the rolls or vice versa because in the former the order is the reverse of what it is in the latter. Identical sequences seem to indicate both lists were drawn up using a common reference point, the most likely being the order of houses in the villages.¹⁸¹ The positions of two men in the call roll can be equated with the positions in the tax list of their successors as tenants: the list must have been drawn up after the Michaelmas 1673 court. Indeed, the omission of Michael Render, who was buried on 10 July 1674, seems to indicate it was completed as

¹⁷⁹ Hebden, *Hearth Tax List*, 2, pp. 50-1. After examining all the North Riding returns Purdy used the Michaelmas 1670 returns for his thesis but he found the Summer 1662 returns 'very good' and the 1673 returns to be 'good'; other returns were poor or covered only certain wapentakes not including Hang East and it follows that the only good returns covering Snape and Well in the period 1671-85 are those for 1673, the returns edited by Hebden: Purdy, 'Hearth Tax Returns', pp. 67-72.

¹⁸⁰ N.Allridge (ed.), *The Hearth Tax: Problems and Possibilities* (School of Humanities and Community Education, Humberside College of Higher Education, 1983), p. 2; T.Arkell, 'The Incidence of Poverty in England in the Later Seventeenth Century', *Social History*, 12 (1987), pp. 29-47; C.Husbands, 'Hearth Tax Exemption Figures and the Assessment of Poverty in the Seventeenth Century Economy', in Allridge, *Hearth Tax*, pp. 46-7; Macfarlane, *Reconstructing Historical Communities*, p. 115; D.Ogg, *England in the Reign of Charles II* (Oxford, 1934), Second Ed. (Oxford, 1956), p. 429; J.Patten, 'The Hearth Taxes 1662-1689', *Local Population Studies*, 7 (1971), p. 18; J.West, *Village Records* (London, 1962), p. 132.

¹⁸¹ Macfarlane, *Reconstructing Historical Communities*, p. 67.

late as the following summer.¹⁸² In four other cases the positions in the lists show that tenants were represented by others in the tax list, three of them being the men who succeeded them as tenants some years later.¹⁸³

Twenty women in Snape and Well appeared in both the hearth tax list and the call roll: fifteen who were assessed for the tax were listed as tenants and five who were discharged by legal certificate were listed as residents. Other women who appeared in one list but not in the other are listed in Table 80: the tax list revealed nine women not enrolled at the time and the call roll named eight not covered by the tax list.¹⁸⁴ The steward was enrolling women both as tenants and residents at that time, indeed two omitted in 1673 were added later, but the tax list shows that not all the women heads of households in the villages were enrolled.¹⁸⁵ Evidence of residence is sometimes wanting for women but with one possible exception there is no reason to believe the enrolled women lived outside the manor and therefore it appears they ought to have been included in the tax list.¹⁸⁶

¹⁸² W1/f.53v. William Reeve and John Surrency appear in the Well call roll but their successors Christopher Toes and John Hunter appear in the tax list. Hearth tax assessments were drawn up in arrears: Patten, 'Hearth Taxes', p. 17.

¹⁸³ Their positions in the Snape tax list show that Robert 'Daine', John Horner, John Place and Thomas Browne can be equated with the Snape tenants Barbara Baine, Robert Horner, Richard Place and Beatrice Browne respectively. They also provide further evidence that as assumed John Horner and Thomas Browne, who served as jurors and officers when unlisted, lived with Robert Horner and Beatrice Browne.

¹⁸⁴ The tenants named in both lists included the free tenant Lady Danby of Thorpe Perrow who appeared in the call roll as 'The heires of Thomas Danby'. 'Wd Reynard' was assessed for the tax at Well but there were two widows in the call roll with the surname Reynold and therefore one escaped the hearth tax. Widow Whorleton, who was assessed for the tax at Snape was entered in the call roll against her late husband's 'mort' entry but her name was deleted.

¹⁸⁵ Margaret Bridgewater and Ann Tyreman were to be added to the Well tenant roll in 1676.

¹⁸⁶ The residents must have lived in the manor and at least two of the tenants seem to have dwelt there: Cooke: W1/f.31, W1/f.52 and W1/f.54v; and Mudd: W1/f.61. Ann Jaques may have been an absentee who sub-let her land. She was succeeded in 1676 by William Bridgewater, perhaps her son-in-law for he had married Isabel 'Jakes' in 1673: W1/f.53v. He was an enrolled tenant at that time but his position in the tax list equates with that of Ann Jaques in the call roll, not his own, and therefore he may have worked the land. (Continued ...

Hearth tax list but
not in call roll:-

Call roll but not
in hearth tax list:-

Snape assessed
Widow Whorleton (1)

Snape tenants
Elizabeth Cooke
Margory Mudd

Snape discharged
Eliz Stoute (1)
Ellin Dawson (1)

Snape resiants
Susanna Place
Ann Topham
Dorothy Toes
Jane Markin

Well discharged
Eliz Anderson (1)
Margt Bridgwater (1)
Eliz Mountaine (1)
Anne Tyreman (1)
Mary Thompson (1)
Jane Tippin (1)

Well tenants
Ann Jaques
Margaret Reynold
or
Well resiant
Elizabeth Reynold

Total: 9

Total: 8

(n) = number of hearths

Table 80. Women who were not listed in both the 1673 hearth tax list
and the 1673 call roll for Snape and Well.

Ninety-five men in the tax list can be matched with entries in the call-roll: with only four exceptions in each case tenants were assessed for the tax and resiants were discharged.¹⁸⁷ Table 81 lists the men who appeared in one list who could not be linked with the other but it includes four men in each column who would perhaps have been linked had it not been for the vagaries of

¹⁸⁶ Continued ...) An Anne Jaques was assessed for the tax at nearby Kirklington: Hebden, *Hearth Tax List*, 2, p. 29.

¹⁸⁷ The tenants Thomas Horner and Christopher Smith of Snape and Richard Sickling and Robert Reynoldson of Well were discharged; the resiants William Thompson and Christopher Raper of Snape and Robert Barkus and Edward Blakelocke were assessed.

Hearth tax list but
not in call roll:-

Snape assessed

Jo Earle of Exeter (30)
Mr Chr Hawe (1)
Jo Braithwaite (1)
Jo Clarkson (1)
Rd Agrit (1)
Wm Hodgson (1)
Tho Steele (1)
Tho Pratt (1)
Tho Milner (1)

Snape discharged

Rd Warde (1)
...o Braithwaite (1)

Total: 11

Well assessed

(torn) Jackson (2) [Aaron?]
Tho Turlis (1)
Tho Skelton (1)
Simo Scowpe (1)

Well discharged

Rt Scott (1)
Rd Firby (1)

Total: 6

(n) = number of hearths

Call roll but not
in hearth tax list:-

Snape tenants

John Reynoldson infant
William Harrison
Richard Bannister
William Pratt
James Wilson
Thomas Dobby
Robert Gatenby
William Thompson
Michael Render
Henry Hutchinson
Thomas Stout
Anthony Reynold
John Scott
Robert Warton
George Simpson

Snape resiants

Robert Akeroid
Robert Ward
Anthony Kilton
William Hawe
John Ward
Tobias Spooner

Total: 21

Well tenants

Christopher Justance
Thomas Smith
John Reynoldson
George Holmes
Thomas Shotton
William Reynoldson
Marmaduke Pratt
Richard Hawxwell
Barnaby Baine
William Jowett
Thomas Sturly
Michael Scotson

Well resiants

Thomas Scurry
William Hewson
John Procter

Total: 15

Table 81. Men who were not listed in both the 1673 hearth tax list
and the 1673 call roll for Snape and Well.

seventeenth-century spelling or probable transcription errors.¹⁸⁹ In some cases the reasons for omissions are obvious: the Earl of Exeter was assessed for the tax at Snape but not listed in the call roll for his own court; Christopher Hawe and John Clarkson were assessed at Snape but they were also assessed at Well where they were included in the call roll.¹⁹⁰ In three cases the presence of unenrolled men in the tax list came as no surprise for their presence in the manor unlisted had been detected from the records.¹⁹¹ One of these men was included in four cases in which the tax list shows that men were resident as heads of households some years before they were enrolled.¹⁹² The presence of three male heads of households who were not disclosed by the other records is also revealed.¹⁹³ The hearth tax list confirms that the household estimate derived from the court and other records was indeed perhaps too low: in 1673 there were at least six more male heads of households not covered in the other records that year.

But many men who appeared in the 1673 call roll did not appear in the tax list. In some cases the omissions were not without good reason: John Reynoldson was an infant and we have assumed George Simpson was the man of that name who was assessed at Sinderby.¹⁹⁴ Marmaduke Pratt could also have lived out of the

¹⁸⁹ Differences in surnames between the two lists were common but names could be linked nevertheless, for example Runayson:Reynoldson, Clapan:Clapham, and Tyleman:Tyreman. It is suggested that 'Rd Agrit' assessed at Snape was probably the Snape resiant Robert Akeroid; that 'Rd Warde' discharged at Snape was probably Robert Ward, a Snape resiant; and that 'Tho Turlis' and 'Tho Skelton' assessed at Well were the Well tenants Thomas Sturly and Thomas Shotton respectively. For Turlis/Sturly see footnote 197.

¹⁹⁰ Hawe was a trustee of Richard Benson's will in 1670 and he was then described as a gentleman of Well: Horsfall, *Manor of Well and Snape*, p. 222. Clarkson served as foreman, affeeror and bilawman at Well and the very year of the tax assessment he was described as a yeoman of Well in a hospital lease: 2/17.

¹⁹¹ John Braithwaite, Robert Scott and Richard Firby: see Table 73.

¹⁹² (Years of enrollment in brackets) Snape: John Braithwaite (1676) and William Hodgson (resiant 1678); Well: Aaron Jackson (1674) and Simon Scope (1681).

¹⁹³ Snape: Thomas Steele, Thomas Pratt and Thomas Milner.

¹⁹⁴ Hebden, *Hearth Tax List*, 2, p. 36.

manor.¹⁹⁴ But all the other men listed in the call roll and not in the tax list lived in Snape or Well: they served as officers, they featured in the parish registers, in some cases the records give their residence specifically and they include seven residents. To these men should be added three assumed to have been probably resident in 1673 who are also omitted from the tax list.¹⁹⁵ Arkell has recited the reasons for the hearth tax returns being incomplete: deliberate omission through evasion or exemption; carelessness leading to omissions or mistakes; incompetence; and the ignorance of the inexperienced.¹⁹⁶ In this context it is worthy of note that the constable who signed the Snape list, as 'Chr Clapan', was Christopher Clapham, a listed resident discharged from assessment who during our period was not chosen to serve as a juror or otherwise as an officer and who was serving only as a substitute for the widow Dorothy Hutchinson. 'Tho Tyrley', the constable who signed the Well list, was probably the tenant Thomas Sturley who also did not serve as a juror or officer; he must have been standing in for Richard Tirlas the constable appointed at the 1673 leet.¹⁹⁷ Husbands has suggested that the groups omitted from the hearth tax returns could have included the more remote geographically and those too poor to pay, those discharged being the better-off poor.¹⁹⁸ Some of those omitted at Snape and Well could have fallen into these groups: John Scott lived at 'Canswick Moore end', served on both Snape and Well juries and may have lived between the villages; Christopher Justance served in the lowly office of pindar; and Thomas Smith repeatedly broke hedges.¹⁹⁹

¹⁹⁴ Pratt was listed for eight years but did not attend court or serve as an officer or juror, the hallmarks of a 'foreigner'. He was succeeded in 1683 by John Coates: a 'Coates farme' ends the Well tax list and if Pratt was responsible for the farm until Coates came of age it would explain his absence from the tax list and his constant essoins. He did not appear in the tax lists elsewhere in the North Riding.

¹⁹⁵ William Firby, John Thompson and Francis Chapman: see Table 73.

¹⁹⁶ 'Incidence of Poverty', p. 30.

¹⁹⁷ Hebden, *Hearth Tax List*, 2, p. 51; 3/114. Sturley's call roll entry was marked 'mort' in 1677 and he had been buried as Thomas Turles in December 1676: 3/125 and W1/f.54v.

¹⁹⁸ 'Hearth Tax Exemption Figures', p. 47.

¹⁹⁹ Scott: W1/f.58, Tables 44 and 50; Justance: 3/106; and Smith: 1/189, 1/195, 1/206 and 1/209.

Although the three paupers named in the 1674 call roll are included among those discharged Patten has pointed out that paupers were rarely named in the returns: others could have been omitted and at 18.9% the proportion of persons exempt in Snape and Well is lower than found elsewhere.²⁰⁰ But not all the enrolled men omitted from the hearth tax list could have fallen into these categories for several served regularly as jurors, including two Snape foremen and one Well affeeror.²⁰¹ A few, but not all, could have lived in the properties of men named more than once in the tax lists.²⁰² Whatever the reasons it is clear that heads of households who ought to have been included in the tax lists were omitted. If we add to the 119 men and women probably covered by both lists the fifteen unenrolled residents of both sexes in the tax list, the thirty-seven enrolled residents not in the tax list and the three remaining men assumed to have been probably resident but who were named in neither list, there were at least 174 heads of households in the two villages. There could have been more for some households could have been omitted from both lists and escaped mention in the other records. Of the 174 some

²⁰⁰ Snape: Robert Ward, John Appleby and Frances Bannister: 3/119. According to Slack the proportions exempt seem to have been thirty to forty per cent with local variations: P. Slack, *Poverty and Policy in Tudor and Stuart England* (London, 1988), p. 41. 24.0% were exempt in the North Riding as a whole: Purdy, 'Hearth Tax Returns', p. 316; also see Patten, 'Hearth Taxes', p.18. Gwynneth Nair found 21.6% to be exempt at Highley and quotes 23.0% for Shropshire as a whole: *Highley*, p. 99. Marjorie McIntosh found 26.0% to be exempt at Havering: *Community Transformed*, p. 170, Table 2.11. Wrightson and Levine found 32.8% were exempt at Terling: *Poverty and Piety*, p. 34.

²⁰¹ Tables 44 and 50. James Wilson and Robert Warton served as foremen at Snape and John Reynoldson served as an affeeror at Well.

²⁰² Christopher Hawe and John Clarkson of Well were also listed at Snape. John Hunter, William Stead and Richard Sickling were listed twice at Well. From 1664 the owner of a property was liable for hearth tax if it was divided into several dwellings or let to a person exempt: T. Arkell, 'A Student's Guide to the Hearth Tax: Some Truths, Half-Truths and Untruths', in Alldridge, *Hearth Tax*, p. 25. Stead was the vicar but the vicarage is the only house mentioned in a terrier of Well church lands in 1789: NYCRO/PR/WEL/3/1. facing p. 271. 'Rd Sicklin' appears among both those assessed and those discharged. It is assumed that a man could not be both assessed for the tax and discharged from paying it at one and the same time, whether or not as occupier in one case and owner in the other. If there were two Richard Sicklings there was no evidence of this in the other records and the question must remain open.

forty or 23.0% did not appear in the tax list, a high proportion but still somewhat lower than the forty-per-cent omission rate suggested by Husbands, although this was a rate which Arkell later suggested may not be reliable.²⁰³ But only eighteen or 10.3% of the 174 were omitted from the call rolls and therefore the Snape and Well call rolls proved to be a less unreliable source of household numbers than the hearth tax list.

Having made a similar comparison between the call rolls and the 1672 hearth tax return for the smaller manor of Stainton by Downholme in the North Riding Fieldhouse found that only half those named in the hearth tax list appeared in the equivalent call roll. He concluded that some omissions were because the persons did not live in the lordship or had moved there too late: evidence of both has been found at Snape and Well. But he also concluded that those perhaps too poor to be assessed probably lived as resiants or inmates with others who paid. He treated 'resiant' as an alternative to 'inmate' and assumed resiants shared a house. But resiants at Snape and Well were included in the tax lists and some were assessed for the tax. Omissions at Stainton could have been because those omitted were poor inmates but perhaps not because they were resiants.²⁰⁴

The only independent source of information about households in the eighteenth-century periods is the list of persons who paid the assessment at Well in 1747.²⁰⁵ The list is not, of course, a complete list of all the residents in the village nor was everyone listed resident there but the persons listed can be checked against the call roll.²⁰⁶ Of the fifty-one persons who paid the assessment forty-one were enrolled that year at Well, three were enrolled at Snape and one was enrolled as a free tenant. The six not enrolled included John Johnson who we have assumed lived with his mother: she was still named in the call roll. If the five men

²⁰³ Husbands, 'Hearth Tax Exemption Figures', p. 46; Arkell, 'Incidence of Poverty', p. 30.

²⁰⁴ R. Fieldhouse, 'The Population of Stainton (by Downholme) in the Middle of the Seventeenth Century: A Comment', *The Cleveland and Teesside Local History Society Bulletin*, 18 (Autumn, 1972), pp. 7-9.

²⁰⁵ NYCRO/PR/WEL/3/1, facing p. 13.

²⁰⁶ 1/296.

remaining were assessed for property in Well one might have expected them to appear in the roll. George Todd was no doubt the man of that name who took over from his father and namesake the chandler in 1736, who was said to be of Well in a hospital lease of 1743 and who therefore seems to be a definite omission.²⁰⁷ The other four had surnames not known in the manor and perhaps lived elsewhere. Their absence from the call roll could have been because the boundary for assessment purposes differed from the manorial boundary or because they held land other than from the lord or the hospital but this is unlikely in at least one case: Richard Cleasby's entry in the assessment appears under the heading 'Demaines'. Without more evidence their omission cannot be explained.²⁰⁸ Of the sixty-seven persons listed in the Well call list that year forty-one paid the assessment, forty-two if John Johnson paid for Mary Johnson. Similar relationships probably explain non-payment in several other cases: one Thomas Mudd paid but two Thomas Mudds, senior and junior, were enrolled; widow Reynoldson paid, appearing five times in the list, but John and Francis Reynoldson were also enrolled; John Cass paid but not his father Henry; and 'Mr Strangeways' paid but both father and son were enrolled. The call roll shows that Robert Fleeming had come of age only that year which could explain his absence from the assessment. Edward Brockell did not pay but a Richard Brockell did, the result perhaps of the lists being drawn up at different times for Richard's name is entered and deleted on the call roll. Among those perhaps too poor to pay were the widows Elizabeth Binks and Dorothy Thompson and the ex-pindars Christopher Hewson and William Barker. Some of those in the call roll, like John Clarkson of Nosterfield, would live out of Well. As one would expect the call roll is a better source of households in Well than the 'sess' which covers only those assessed for the rate. The absence from the assessment of many included in the roll can be explained and the absence of the others was perhaps simply because they were too poor, were sub-tenants or lived elsewhere. The absence from the call roll of five persons

²⁰⁷ 1/250 and 2/158.

²⁰⁸ Richard Cleasby, Christopher Foster, Joseph Nurse and John Whyhill.

included in the assessment is less easy to explain. But the discrepancy does nothing to detract from the impression that the call roll covers most of the households in the manor.

At the end of the eighteenth century the Snape and Well manorial court was a shadow of what it had been. The numbers listed in the call rolls had increased but attendances had fallen despite, and indeed perhaps as a result of, the court now being held alternately in each village. The incomplete court-baron records seem to show its business had declined and that perhaps outsiders now used the court more and the villagers less. There had earlier been a marked reduction in offences presented at the leet and the range of offences had narrowed. The power of the court had diminished as it dealt with less assaults and other public order offences. As the court decayed the jurors asserted themselves by presenting more defaulters only to find the new steward discount their reports. Over the years the presentment jurors continued to be drawn for the most part from those listed in the call rolls but they ceased to be drawn from a substantial proportion of those enrolled: the pools from which they were chosen became ever smaller and they served more often. The net was at first cast wider when manorial officers were selected but eventually they were to be drawn from the exclusive ranks of the jurors. A poor law assessment has shown these men were the better off in the community and the land tax returns revealed they held the most land.

The court rolls and other records seem to show that unenrolled male heads of households were few. In many cases they appear to have been waiting to be added to the lists but some may have remained unlisted. The early seventeenth-century parish registers revealed hardly any not disclosed by the rolls which seems to indicate that at that time few men escaped appearing in the court records if they were resident any time. As the court declined and opportunities for being mentioned diminished the registers revealed men who would perhaps have appeared in the rolls formerly and the overall numbers appeared to remain fairly constant. But disparities between estimates of the numbers of households derived from the court records and estimates of the population calculated from the parish register entries seemed to indicate that late in the seventeenth and

early in the eighteenth centuries some men may have lived in the manor undetected. A comparison between the call rolls and the hearth tax lists for 1673 confirmed that a few men not mentioned in the court records or parish registers were indeed residents. But the comparison also showed the call rolls to be a better source of household heads than the hearth tax returns.

The estimated number of households in the late eighteenth century as indicated by the court and other records could tally with the population estimate but without an independent list of families in the manor we have no confirmation. No such list is available until the 1841 census but the series of Snape and Well court rolls ends in 1793 when there was a change of lord of the manor.²⁰⁹ Some North Riding manors continued to sit and draw up call rolls well into the nineteenth century, and even into the twentieth century. To examine one of these, on the North York Moors some distance from the Vale of Mowbray, we turn to the manor of Danby.

²⁰⁹ The estate was soon to be sold: in 1823 Whitaker wrote it had been sold 'about twenty years ago': *History of Richmondshire*, 2, p. 91. The North Yorkshire County Record Office holds a sequence of court rolls from 1798 to 1816 for Snape under the lordship of William, and then Mark, Milbanke; Well is not mentioned in them: NYCRO/ZBW.

CHAPTER FIVE

THE MANOR OF DANBY IN THE LATE SEVENTEENTH CENTURY AND THE EIGHTEENTH CENTURY

The Listed Tenants and Residents

The earliest extant call roll for the manor of Danby commenced in 1689 and therefore it was written after freeholds were sold to tenants in 1656. As indicated in Table 82 the call roll lists these free tenants and the residents separately under Danby and Glaisdale headings and also names the tenants-at-will under a separate heading. But it commences with a list of some thirty-four undesigned persons whose status is not clear. We saw in Chapter Two that 168 intending purchasers were listed in the schedule to the sale agreement but the call roll lists only some 120 free tenants in the manor: the shortfall of forty-eight could be the result of consolidation of holdings in over thirty years since the freeholds were acquired.¹ But it is also possible that the undesigned suitors were freeholders not listed with their opposite numbers from Danby and Glaisdale for reasons not now apparent. Suffice to say that at the end of the seventeenth century some 273 men and women owed suit and service at the Danby manor court.² Very few were listed twice: one free tenant was also a tenant-at-will, another free tenant also appeared in the undesigned section, and three free tenants were listed simultaneously, and curiously, as residents.³ There was also

¹ The lord of the manor bought land from freeholders from time to time: Robinson, *Story of Danby*, p. 53; Mary Nattrass, 'Some Freehold Farms and the Manor of Danby', *Bulletin of the Cleveland and Teesside Local History Society*, 27 (1974/5), pp. 24-5; and also see 'sold to Dr Knaggs' on 1786-97 call roll: III/3/5/f.4. Small farms were also merged from time to time: Atkinson, *Forty Years in a Moorland Parish*, pp. 7-8.

² III 3/1. Of the 464 persons listed in thirteen years sixty-six (14.2%) were women.

³ The marks show that the Danby free tenant Robert Medd senior was also a tenant-at-will; Joseph Frankland appeared in both the undesigned section and among the Glaisdale free tenants; Thomas Chapmans were listed as both a free tenant and a resident at Danby; the widow Dorothy Thompson was both a free tenant and a resident in Glaisdale; and for one year Francis White was both a free tenant and a resident at Glaisdale too.

		Range	Mean	Listed some time	Listed throughout
1689-1701*					
	Undesignated	33 - 35	33.8	55	17
Danby	Free tenants	57 - 63#	61.4#	103	28
	Residents	43 - 47	44.9	83	18
Glaisdale	Free tenants	56 - 61	59.0	97	31
	Residents	31 - 47	40.1	76	13
	Tenants-at-will	32 - 34	33.6	50	24
			Total: 272.8		

* assumes columns were completed annually after 1689

a few names and marks are illegible and the numbers could be perhaps up to two more than given

1735-39

Danby undesignated	91 - 121	105.4	144	77
Glaisdale undesignated	77 - 98	89.8	134	54
			Total: 195.2	

1786-97

Danby freeholders, tenants and resiants	89 - 110	104.5	176	51
Glaisdale freeholders, tenants and resiants	100 - 111	106.3	161	55
			Total: 210.8	

Table 82. The numbers of suitors listed at Danby 1689-1701, 1735-39 and 1786-97.

little movement between the sections of the roll: in thirteen years one resident became a tenant-at-will.⁴

We cannot know whether this comparative stability

⁴ Thomas Boyes of Danby: III/3/1/f.6 and f.10.

continued into the eighteenth century for the separate headings were abandoned in the 1735-39 roll, the lists being divided by the simple heading 'Glaisdale'. The number listed twice had risen to fifteen although as we saw at Snape and Well this is not necessarily an indication there were more holdings. But it is clear that some of the suitors previously included had been omitted for the total covered by the roll had dropped by some seventy-eight to about 195.⁵ It would be tempting to conclude that the steward had ceased to list residents for the number dropped is almost the same as the number of residents listed in 1701 (seventy-five) but the next call roll indicates this was perhaps not the case. It is again divided into two lists and the fuller headings indicate they covered freeholders, tenants and residents, seven suitors being listed twice.⁶ The mean total listed had risen by some sixteen, a number perhaps too small to cover the addition of residents if they had been dropped earlier in the century, unless there had been a marked change in the numbers of tenants or residents. The probable explanation for the earlier fall in the numbers enrolled will emerge later in this chapter.

The Danby manorial courts were held in the Great Chamber at Danby Castle.⁷ Given the nature of the terrain and the distances some of them would have to travel to the castle it is not surprising that the attendance record of the Danby suitors was worse than their opposite numbers' at Snape at about the same time. The tenants and residents of Snape and Well attended three-quarters of the courts (74.2%) but Table 83 shows that the suitors at Danby attended

⁵ Only one of the men was listed twice for the five years covered by the roll: George Trowsdale, pp. 6 and 8 of the roll. One man was listed twice for four years, four for two years and two for one year. Allowance has been made for these in the table. In the other seven cases the roll is too imprecise to fix the periods but it was less than five years in each case: these men have inevitably been double-counted in the table and the true mean would actually be only one or two less.

⁶ Only one man was listed twice throughout the twelve years covered by the roll: William Dale, folios 4 and 8 of the roll. The others were listed six years, three years, two years and one year (three men) respectively. The better-kept roll meant that the periods could be fixed and allowance has been made in the table in all cases.

⁷ Page, *Victoria History: North Riding*, 2, p. 334, and headings to various court documents in all three periods.

Marks	Danby			Glaisdale		Tenants -at-will	Totals
	Undesignated	Free tenants	Residents	Free tenants	Residents		
Attended	74 16.8%	372 46.6%	351 60.1%	300 39.1%	229 44.0%	273 62.5%	1599 45.1%
Essoined	230 52.4%	250 31.3%	156 26.7%	384 50.1%	209 40.1%	110 25.2%	1339 37.8%
Excused	-	18 2.3%	19 3.3%	6 .8%	3 .6%	19 4.3%	65 1.8%
Defaulted	108 24.6%	129 16.2%	48 8.2%	59 7.7%	53 10.2%	28 6.4%	425 12.0%
No mark	10 2.3%	4 .5%	5 .9%	1 .1%	8 1.5%	-	28 .8%
Others*	17 3.9%	25 3.1%	5 .9%	17 2.2%	19 3.6%	7 1.6%	90 2.5%
Total marks:	439	798	584	767	521	437	3546

* ds, o and illegible

Table 83. The attendance marks of the Danby suitors 1689-1701.

less than half (45.1%). Not surprisingly both groups of suitors at Danby attended more often than their opposite numbers from the Glaisdale end of the manor but, contrary to the practice we have noted elsewhere, in both cases the residents attended more often than the tenants. The tenants-at-will had a better record than both sets of free tenants and residents but the undesignated group at the head of the call roll had the worst, attending only 16.8% of the courts. Most of those failing to attend arranged essoins, excuses being proffered rarely, but the default rate was still as high as twelve per cent; the undesignated group defaulted a quarter of the time (24.6%).

Whereas at Snape and Well attendance rates deteriorated in the eighteenth century at Danby they first improved a little: Table 84 shows that early in the century the suitors in the merged Danby list attended more often than the Danby free tenants and residents some fifty years before (52.3%); the Glaisdale suitors

Marks	1735-41			1786-97		
	Danby	Glaisdale	Totals	Danby	Glaisdale	Totals
Attended	312	219	531	742*	439*	1181
	59.2%	48.8%	54.4%	59.2%	34.4%	46.7%
'd app'	28	6	34			
	5.3%	1.3%	3.5%			
'dd app'	2	1	3			
	.4%	.2%	.3%			
Essoined	104	153	257	468	805	1273
	19.7%	34.1%	26.3%	37.3%	63.1%	50.3%
'd ess'	16	9	25			
	3.0%	2.0%	2.6%			
'dd ess'	1	7	8			
	.2%	1.6%	.8%			
'ddd ess'	-	1	1			
		.2%	.1%			
Excused	-	-	-	26	18	44
				2.1%	1.4%	1.7%
Defaulted				15	7	22
'd'	21	16	37	1.2%	.5%	.9%
	4.0%	3.6%	3.8%			
'dd'	2	3	5			
	.4%	.7%	.5%			
'ddd'	31	24	55			
	5.9%	5.3%	5.6%			
No mark	10	10	20	3	7	10
	1.9%	2.2%	2.0%	.2%	.5%	.4%
Total marks:	527	449	976	1254	1276	2530

* includes 'adm' (admitted)

Table 84. The attendance marks of the Danby suitors 1735-41 and 1786-97.

attended more often than the earlier Glaisdale free tenants and residents (41.1%); and the attendance rate for all suitors in the manor was better than that of all the former suitors (45.1%). The improvement was maintained in the Danby part of the manor for the attendance rate there in the late eighteen-century period remained exactly the same. In the Glaisdale part the rate fell markedly but despite this deterioration the overall rate for the manor was still slightly better than it had been a century before (45.1%). Those

failing to attend continued to arrange essoins: early in the century no excuses were recorded and the default rate remained much the same; late in the century both excuses and defaults were rare. Because we do not know which suitors were involved we cannot know how the not insubstantial reduction in suitors already noted influenced these figures. Nevertheless, even if they were worse than the eighteenth-century rates at Snape and Well (69.6% and 52.6%), the Danby attendance rates show that the *listed* suitors maintained much the same attitude to their court over a hundred years, and this whether it continued to thrive or not.⁶⁹

The Presentments

The extant papers contain the record of only one civil case and for information about the activities of the Danby court we are obliged to turn to the presentments which are themselves comparatively poor.⁷⁰ The seven late seventeenth-century presentments, 'vardeths' [verdicts] according to their headings, contain only seventy-seven offences including eighteen defaults; we have no presentments for the early eighteenth-century period; and four late

⁶⁹ Reference was made in Chapter Two to the curious multiple marks recorded at Danby early in the eighteenth century: these are given in Table 84 but they have not been included in the rates discussed in this paragraph. A few men seem to have been recorded as having attended or been essoined after first defaulting once or twice. If men were given three opportunities to attend it is not obvious why some men were given a single or double default mark for one would have expected subsequent attendance, essoin or default marks. The single 'ddd ess' given to a Glaisdale suitor is also inconsistent with three opportunities to attend but it could have been a clerical error consistent with the occasional double marks found elsewhere, perhaps the result of a default mark recorded early being overridden when a suitor or his essoin turned up late. The marks must remain unexplained but if the men concerned are treated as having appeared or been essoined they boost the figures given slightly.

⁷⁰ The 'Danby and Liverton Court Book 1786-1824' (III/2/2) contains the same information given in the lists of jurors and officers (III/4/66-81) but there are a few differences: the book contains brief details of an action heard at the 1788 leet in which Matthew Carter sought thirty-nine shillings damages for trespass on the case; the book gives the bailiffs appointed from 1789 to 1794 inclusive and in 1797 (both sources give the bailiffs for 1786 to 1788, 1795 and 1796); the book gives the name of a single juror not given in the 1789 jury list.

eighteenth-century presentments contain only thirteen offences of which eight were defaults although fifty-nine more defaulters are named in jury lists. But the court records also include separate presentments from 1797 of persons 'for digging peat and turf and causing the same to be taken away for fuel not having a common right' and these too occasionally mention other offences. That these presentments of fifty persons or more represented a change in practice is shown by a note written in January 1798:

Shewed Danby verdict of 19th Oct^r 1797 to Mr Sinclair, & desired his sentiments as to its validity in case actions were bro^t to recoⁿ the amerçiements - he seemed to think the fines were such as are presentable & also that the form of the verdict was regular so as to ground an action for recovery of the amerçiements by the Lord of the manor.

J. P. 1^o

The practice was to continue for many years and encroachments were later included in the presentments. The 1851 presentment, to which reference will be made again in due course, lists the proprietors, occupiers and sites of 118 cottages in the Danby part of the manor and sixty-four cottages in the 'Township of Glazedale', and also no less than 184 occupiers fined for 'enclosing garths and gardings and for building upon the commons pigstyes; cowhouses &c'. The fines had clearly become payments under a system of licensing rather than penalties for offences and the 1797 presentment was probably the first under the system.

These 'offenders' have not been included in Table 85 which gives what information we have about offences presented in the late seventeenth-century and eighteenth-century samples. If the surviving presentments are representative public order offences were the exception, court-related offences few and manorial offences the rule in the early period. There were only two public order offences: in 1689 James Sanderson was amerced one shilling for discharging 'Afueling pees' (a fowling piece) and in 1683 Anthony Dale was presented for 'Locking one Gatte in the ... Common hyway'.¹¹ The

¹⁰ III/4/83. John Petch was the steward of the manor.

¹¹ III/4/3 and III/4/6.

Presentments included	1689-1701	1786-97
	7	4
Highways	1	-
Discharging a firearm	1	-
	Sub-total: 2	-
	2.6%	
Maintenance of fences	1	-
Maintenance of ditches	4	1
Mis-use of common	6	-
Encroachment	28	-
Straying animals	1	-
Taking turf	12	1
Taking soil	-	3
Keeping pinfold key	1	-
	Sub-total: 53	5
	68.8%	6.9%
Default	18	67
	23.4%	93.1%
Nature of offence not known	4	-
	5.2%	
	Total: 77	72

Table 85. Offences presented at Danby 1689-1701 and 1786-97.

eighteen defaulters given in the table were presented for not appearing at the court 'for one year' which seems to indicate that fifty years before the curious call marks suitors were given a year in which to attend. The number presented could be misleading for examination of the late seventeenth-century call roll shows that 222 suitors were given default marks in the years for which we have presentments: most must have been dealt with other than through the presentment system or no action was taken against them; indeed in 1693, the year when the eighteen defaulters were presented, thirty-nine suitors had been given default marks in the call roll. Otherwise all the offences reported were manorial, most of them encroachments and removal of turf and some of them mentioning pains although there

are no pains in the court records.¹² By the end of the eighteenth century there seems to have been a marked change for few manorial offences were then presented. Before certifying they had nothing to present the 1795 jury renewed all the pains and bylaws.¹³ Most alleged offenders were defaulters but this picture could also be misleading for of the sixty-seven named as defaulters in the presentments and jury lists only two have penalties against their names and no action may have been taken against the others. It could be significant that in both these cases the men, 'inhabitants within the manor', were amerced for 'refusing to do Fealty, to be admitted' and not for merely failing to attend court.¹⁴ Whether or not there had been an increase in suitors presented and punished for default there seems to have been a reduction in the business of the court: like the Snape and Well court it dealt with less offences from a narrower range.

The Presentment Jurors, Foremen and Affeerors

The seven late seventeenth-century presentment juries of which we have a record comprised thirteen men drawn from the ranks of the free tenants, residents and tenants-at-will alike, but only once perhaps from the undesignated men at the head of the call roll. Men from both ends of the manor served on single juries and in the cases of free tenants and residents the call roll usually indicated whether jurors represented Danby or Glaisdale. It was then apparent that the names were not mixed but entered in two blocks: their positions in the blocks could be used to place all the tenants-at-will, five of the seven men who served unlisted and several tenants and residents whose names appeared in both the Danby and Glaisdale sections of the roll. Only four jurors remained unplaced: Ralph Woodward who served three times and could have been listed in

¹² III/4/8.

¹³ III/4/77.

¹⁴ III/4/70 and III/4/82. The first defaulter was admitted the following year and the other was never listed.

the undesignated section or as a Glaisdale resident;¹⁵ and the tenant-at-will George Marshall, the undesignated Thomas Heart and the unlisted Francis Sowley who served once each.¹⁶ Men from both the Danby and Glaisdale parts of the manor were usually mixed as evenly as the odd number on the juries allowed but there were eight Danby jurymen in 1690 and at least ten from Glaisdale in 1698.

It was anticipated that the production of tables giving jurors' service as a proportion of their listings would be fraught with difficulty because of the imprecision in the call roll. But jurors tended to be drawn from those suitors listed throughout the period covered by the roll and therefore their entries were not the subject of confusing amendments: 58.5% of the jurors were listed throughout the roll whereas the proportion of all suitors so listed was 28.2%. And in other cases although the call roll is confusing the burials register reveals when a suitor was replaced. In only a few cases was it not possible to fix the time listed and in none did the juror serve more than twice. The results are given in Tables 86 and 87. We have only seven juries and the tables show separately for each juror the number of years he was listed overall and the number of the seven jury-years he was listed; his jury-service is expressed as a percentage of the latter figure. The jury records are incomplete but the sample indicates clearly that no preference was given to any category of suitors: free tenants, tenants-at-will and residents are scattered throughout both tables. The free tenants constituted 43.1% of the suitors listed at any time during the period, they provided 43.4% of the jurors and they occupied 45.1% of the jury places. The two men who served most often were tenants-at-will. The spread of jury service can also be seen in the comparatively few examples of repeated service: only five, or 9.4%, of the jurors served on half the juries or more whereas at Snape and Well about the same time

¹⁵ A Ralph Woodward was listed in the undesignated section throughout the call roll: III/3/1/f.1; a man of that name was also listed among the Glaisdale residents from 1697 or later and his marks show he was not the same man: III/3/1/f.8; the juror could have been either if the latter had served before he was listed.

¹⁶ There are George Marshalls in both the Danby and Glaisdale hearth tax lists for 1673 and the other three are not mentioned: Hebden, *Hearth Tax List*, 5, pp. 27-8.

	Call roll	Listed overall	Listed (juries)	Juror	%
William Hill	Free	6	4	2	50.0
Richard Garbutt sen*	Res	13	7	3	42.9
Robert Medd sen	Free	13	7	3	42.9
Peter Nellist jun	Free	13	7	3	42.9
Nathaniel Prudom	Res	13	7	3	42.9
Robert Harrison	Free	13	7	2	28.6
Thomas Petch	Free	13	7	2	28.6
William Petch	Free	13	7	2	28.6
William Scarth	Free	13	7	2	28.6
John Ward	TAV	13	7	2	28.6
	(or Free	?	?	2)	
Robert Frank	Res	7	4	1	25.0
Phillip Dillyferle	Res	13	7	1	14.3
Thomas Dowson*	TAV	13	7	1	14.3
Robert Frankland*	TAV	13	7	1	14.3
Francis Jowsey	Res	13	7	1	14.3
George Nellist	Free	13	7	1	14.3
	(or TAV	8	3	1)	
Robert Petch (2)*	TAV	13	7	1	14.3
George Preston	Res	13	7	1	14.3
Christopher Pybus	Res	13	7	1	14.3
Roger Medd	Res	?	?	2	?
Robert Petch (1)	Free	?	?	2	?
Richard Medd	Res	?	?	1	?
Unlisted:-					
Thomas Marser*		-	-	1	
Robert Wood*		-	-	1	

* Treated as Danby because of position in jury list

Table 86. Danby presentment jurors 1689-98.

44.6% of the jurymen did so. It seems that at Danby at the end of the seventeenth century the net was cast wide when jurymen were sought.

Affeerors are not mentioned in the surviving late seventeenth-century presentments. Nor are foremen but it is perhaps not a coincidence that the first man named in each jury list appears near the top of his table: Peter Nellist was named first twice and Robert Harrison once and they are fourth and sixth in the Danby table; Peter and John Frankland headed the list once each and Richard Oxley twice and they are second, fourth and fifth in the Glaisdale table.

	Call roll	Listed overall	Listed (juries)	Juror	%
John Allen*	TAW	11	7	5	71.4
Peter Frankland*	TAW	13	7	4	57.1
William Dickinson	Free	5	2	1	50.0
John Frankland sen*	Free	8	4	2	50.0
Richard Oxley sen or jun	Free	13	7	3	42.9
James Wood	Free	13	7	3	42.9
George Woodward	Free	13	7	3	42.9
Richard Boyes	Free	13	7	2	28.6
Peter Campion	Free	13	7	2	28.6
William Garbutt*	TAW	13	7	2	28.6
Thomas Prudom*	Res	13	7	2	28.6
Ralph Temple	Res	13	7	2	28.6
George Wood	Res	13	7	2	28.6
Thomas Wood	Free	6	4	1	25.0
Henry Harrison	Free	11	5	1	20.0
John Daile	Free	13	7	1	14.3
Robert Coverdale*	TAW	13	7	1	14.3
Richard Keld	Free#	13	7	1	14.3
Peter Lacy	Free	13	7	1	14.3
William Lacy	Free	13	7	1	14.3
Miles Mead	Free	13	7	1	14.3
John Pibus	Res	?	?	1	?

Unlisted:-

Richard Moore*	-	-	2	-
Henry Wood (ex-resident)	-	-	1	-

* Treated as Glaisdale because of position in jury list

Only as guardian for William Potter

Table 87. Glaisdale presentment jurors 1689-98.

Foremen are named in the early eighteenth-century jury lists but unfortunately only two lists survive. The juries were both thirteen strong and again they were a mixture of men from both the Danby and the Glaisdale ends of the manor. The 1735 jury comprised eight men who appeared in the Danby list in the call roll and five from the Glaisdale list. With seven Danby men and six Glaisdale men the 1739 jury was more evenly matched. Both the foremen were Danby men but if the two parts of the manor provided alternate foremen the two odd years for which we have jury lists would have foremen from the same end of the manor: we will see that alternation applied later in the century. None of the men who served in the 1735 jury served again in 1739; we should hesitate about drawing

conclusions from only two lists but this does seem to indicate that the jury net had continued to be cast widely.

We have jury lists for each of the twelve years in the late eighteenth-century period studied. Seven of the juries comprised thirteen men but four were fourteen strong and one had only twelve members. The proportions of Danby and Glaisdale men were more or less even in each jury and again the positions of some names in the lists resolved doubts where there were men of the same name in both parts of the manor; they also placed the man who served seven times unlisted. The foremen were designated as such and the responsibility alternated between the two parts of the manor. Six of the lists name the two affeerors, one from each end of the manor except in 1795 when both hailed from Glaisdale. The affeerors were not members of the jury. The jurors and affeerors named in the presentments for 1795 and 1796 are those named in the 1794 and 1795 jury lists respectively which shows that the jury appointed at one leet reported to the following leet before the new jury was appointed.¹⁷

Because the affeerors were not members of the jury the layout of Tables 88 and 89 has been adjusted, service as a juror or an affeeror being taken into account in the column giving the service record as a proportion of years listed. The much improved call roll meant there were no problems with the length of listings but the absence of differentiation means we cannot separate free tenants, tenants-at-will and resiants. The obvious difference between these tables and the late seventeenth-century tables is the increase in men serving repeatedly: several men served on half or more of the juries, including two men in each part of the manor who served on the jury or as an affeeror every year they were listed. The proportion who served half or more of the time they were listed had risen from 9.4% to 30.4%: the increase might have been less had service as an affeeror been included in the lower figure but it would still have been marked. That the net was no longer cast as widely is confirmed by the mean numbers of times each juror served: 3.2 per ten juries (including affeeror service) now compared with 2.4 (without affeeror

¹⁷ III/4/75-8.

	Listed	Juror	Affeeror	%	Foreman
William Preston	3	3	-	100.0	
Thomas Prudom	12	10	2	100.0	
Robert Peirson*	9	8	-	88.9	
William Dale	12	8	-	66.7	3
John Peirson*	12	8	-	66.7	1
Ralph Proud	12	7	-	58.3	
Thomas Weatherill	6	3	-	50.0	
Richard Agar	3	1	-	33.3	
John Prudom	12	3	1	33.3	
George Walker	12	4	-	33.3	
Thomas Peirson	11	3	-	27.3	2
Robert Harrison*	12	3	-	25.0 or	
	10			30.0	
William Longburn	12	3	-	25.0	
William Fentriss	5	1	-	20.0	
Richard Campion	11	2	-	18.2	
Matthew Agar	12	2	-	16.7	
John Robinson*	12	2	-	16.7	
William Scarth	12	2	-	16.7	
George Trousdale	12	-	2	16.7	
Thomas Peirson jun	12	1	-	8.3	
Richard Shackleton	12	1	-	8.3	
Abraham Sowley	12	-	1	8.3	

Unlisted:-
Richard Dale*

7

- * Treated as Danby because of position in jury list
- # There were two Robert Harrisons in the Danby call list

Table 88. Danby presentment jurors, affeerors and foremen 1786-97.

(In preparing Table 88 it was assumed that the six 'William Dale' jurors and the two 'William Dale [of] Botton' jurors, both of whom served as foreman, were the same man: there are two William Dales in the call roll, both of whom had the good attendance records associated with jurors (100% and 75%), the one with the better record being listed twice, but it is perhaps more likely that one man served as foreman three times than that two men with the same name both served as foreman: III/3/5/f.4 and f.8. It was also assumed that the juror Thomas Pruddom was the suitor of that name listed twice for six years and with a perfect attendance record rather than his namesake from Botton who preferred sending essoins to attending court: III/3/5/f.4 and f.5. The Thomas Peirson who served three times including twice as foreman has been assumed to be the senior man of that name, Thomas Peirson junior serving only in 1797 when his father was foreman: III/4/80. By the time Matthew Agar first served as a juror in 1796 Matthew Agar senior was not listed and he has therefore been assumed to be Matthew Agar junior: III/3/5/f.7.)

	Listed	Juror	Affeeror	%	Foreman
William Lacy	12	10	2	100.0	-
Robert Fetch	4	4 + 1	-	100.0	2
Robert Frank*	12	6	2	66.7	1
Robert Venis	12	8	-	66.7	-
William Harrison*	12	7	-	58.3	-
William Ness	12	6	-	50.0	-
Geo. Woodwark jun	4	2	-	50.0	-
John Breckon (1)	7	3	-	42.9	-
John Hall	12	5	-	41.7	-
George Hoggarth	9	3	-	33.3	-
Miles Mead	12	3	1	33.3	-
Richard Robinson	12	4	-	33.3	-
George Woodwark	12	4	-	33.3	1
John Boyes	4	1	-	25.0	-
Jonathon Leng	4	1	-	25.0	-
John Cook	10	1	1	20.0	-
John Breckon (2)	11	1	1	18.2	1
Peter Merry	11	2	-	18.2	1
Ralph Mackridge	12	2	-	16.7	-
John Watson	12	2	-	16.7	-
Francis Harland	12	-	1	8.3	-
George Hoggard jun	12	1	-	8.3	-
William Mead	12	1	-	8.3	-

The addition to the 'Juror' column gives the number of times a suitor served when unlisted and to avoid distortion the percentage has been calculated as if he had been listed.

* Treated as Glaisdale because of position in jury list

Table 89. Glaisdale presentment jurors, affeerors and foremen

1786-97.

(In preparing Table 89 it was assumed that two John Breckons served on juries: John Breckon (1) who was listed the first six years in the call roll and then marked 'dead' probably served as a juror the first three of those years for John Breckon (2) was not listed the first of those years; John Breckon (2) must have served as an affeeror and foreman seven years later for his namesake was then dead: III/3/5/f9 and f.16. It was also assumed that George Hoggarth, Ralph Mackridge and George Woodwark were the senior men of that name unless the entry was marked 'junior'.)

service) a century before. However, although service had become a little more restricted it was by no means as exclusive as it was at Snape and Well where at that time 63.0% served on half or more of the juries and the jurors served on 5.0 and 6.4 per ten juries each respectively. The choice had remained comparatively wide at Danby but

		1786	87	88	89	90	91	92	93	94	95	96	97
Peter Merry	G	F	m	-	-	-	-	-	-	-	-	-	-
Thomas Peirson	D		F	m	-	-	-	-	-	-	-	-	F
Robert Petch	G	m	m	F	m	F	No longer listed						
William Dale	D	m	m	m	F	m	F	m	F	-	-	-	-
George Woodwark	G	-	-	-	-	-	-	F	m	-	m	-	m
Robert Frank	G	A	A	-	-	-	m	m	m	F	m	m	-
John Peirson	D	-	-	-	m	m	m	m	m	m	F	m	-
John Breckon (2)	G		-	-	-	-	-	-	-	-	A	F	-

D = Danby

G = Glaisdale

F = foreman

m = member

- = not a member

A = affeeror

Table 90. Danby jury foremen 1786-97.

there were more men to choose from and only forty-six or 14.3% of the 321 male suitors listed at the time served as jurors or affeerors, a lower proportion than the 18.9% and 21.4% recorded in the smaller manor of Snape and Well where service had then become so exclusive.

In both parts of the manor choice of foremen and affeerors was by no means restricted to those men who served most often: only four of the twelve foremen served as jurors half the time they were listed or more and several affeerors were drawn from near the bottom of the tables. In twelve years eight men chaired juries and there is no evidence of dominance in Table 90: seven served as members of juries headed by the others and the eighth was a late-comer listed eight years before he played a role. The seven pairs of affeerors we have included ten men, three of whom were listed throughout the call roll but did not serve as jurors. Here we have another contrast with Snape and Well where by the end of the eighteenth century affeerors had been abandoned and the leadership of juries was concentrated in the hands of a few of the better sort. Service both as jurors and officers there was by that time in the

hands of the farmers and we now turn to see who held the offices at Danby and their status.

The Manorial Officers

Officers are not mentioned in the surviving late seventeenth-century manorial records but the 'Danby Parish Account Book 1655-1918' gives brief details of the sums handed over by named constables to their successors. The book, which covers Danby but not Glaisdale, gives similar information for the pairs of overseers of the poor.¹⁸ Table 91 shows that all the Danby constables were listed at the time. Most do not appear among the jurors, in several cases despite lengthy listings, and the four who did serve as jurymen served only once each. That the men who served more often on juries did not serve as constables and that so many non-jurymen did serve could indicate that the office was treated as being inferior to jury-service. But the sample is small and jurors could have served as constables outside our period. At both Snape and Well at that time we found non-juror constables but most constables were drawn from the ranks of the jurymen: perhaps if Danby had been required to find whole juries more of the constables would have appeared in the jury table. The choice of constables seems to have been as wide as that of jurors, and the overseers may have been selected from an even larger pool for thirteen overseers served neither on juries nor as constables.¹⁹

Information about the status of the manorial officers, indeed of all the persons listed in the call roll, is sparse. The undesignated persons at the head of the roll include one esquire, eight gentlemen and one 'Mr' but none held office in the manor. At least two of the gentlemen probably lived out of the manor and sub-let their land: this was probably true of some or all of the

¹⁸ NYCRO/PR/DAN/3/1, pp. 12-13 and 89-90. A similar record for Glaisdale is available only from 1709.

¹⁹ We will find there is evidence later of a link between properties and the appointment of constables. It has been suggested that late in the eighteenth century all able-bodied men were liable to serve as overseer: Robinson, *Story of Danby*, p. 411.

		Listed	Juror	Constable	
William Hill	Free	6	2	DID NOT SERVE	
Richard Garbutt sen	Res	13	3	DID NOT SERVE	
Robert Medd sen	Free	13	3	DID NOT SERVE	0
Peter Nellist jun	Free	13	3	DID NOT SERVE	
Nathaniel Prudom	Res	13	3	DID NOT SERVE	0
Robert Harrison	Free	13	2	DID NOT SERVE	
Thomas Petch	Free	13	2	DID NOT SERVE	0
William Petch	Free	13	2	DID NOT SERVE	
William Scarth	Free	13	2	DID NOT SERVE	
John Ward	TAW/Free	13 or ?	2	DID NOT SERVE	0
Robert Frank	Res	7	1	1	
Phillip Dillyferle	Res	13	1	DID NOT SERVE	
Thomas Dowson	TAW	13	1	DID NOT SERVE	00
Robert Frankland	TAW	13	1	1	
Francis Jowsey	Res	13	1	DID NOT SERVE	0
George Nellist	Free/TAW	13 or 8	1	DID NOT SERVE	0
Robert Petch (2)	TAW	13	1	1*	
George Preston	Res	13	1	DID NOT SERVE	
Christopher Pybus	Res	13	1	DID NOT SERVE	
Roger Medd	Res	?	2	DID NOT SERVE	
Robert Petch (1)	Free	?	2	DID NOT SERVE	
Richard Medd	Res	?	1	1	0
Thomas Marser		-	1	DID NOT SERVE	0
Robert Wood		-	1	DID NOT SERVE	
Robert Coverdale	TAW	13	-	1	
Thomas Heart	Undesig	13	-	1	
Robert Peirson	Free	13	-	1	
Thomas Nellist	Res	11	-	1	
Ralph Campion	Free	9	-	1	0
George Duck sen	Free	9	-	1	
Robert Medd jun	Free	9	-	1	
Robert Hall	Res	7#	-	1	
Thomas Thompson	Res	2	-	1s	
John Hall	TAW	?	-	2s	0

* could have been Robert Petch (1)

0 = Overseer

in two separate periods

s in 1701 the previous constable handed over to John Hall but in 1702 Thomas Thompson handed over to the next constable

Table 91. Danby constables 1689-1701.

others.²⁰ Indeed it suggests one possible explanation for the separate undesignated section but we have no means of confirming they were all tenants who sub-let. Three free tenants were also styled gentlemen but they too never held office. The presentments yield too little information for farming to be assumed and occupations are not given in the parish registers in our period. But the hearth tax assessments of sixteen years before can be matched with several jurors and officers. At Danby the only jurors with more than one hearth were Robert Medd and Nathaniel Prudom who had two each and appear near the top of the jury list; the constable George Duck had three hearths. At Glaisdale John Allen, John Frankland and Richard Oxley had two hearths and they appear in the top five places in the list although John Daile and William Garbutt also had two, Ralph Temple three, and they appear further down the list. What information we have on the status of a few listed persons is not such that we can draw conclusions about the status of the men who served in the manorial offices.

The court records provide the names of the jurors and constables only for the first and the last years in the 1735 to 1739 call roll. But full particulars of constables and overseers are available in the account books for both halves of the parish.²¹ The ten-year picture revealed by Table 92 is superficially the same as that of fifty years before: some jurors served as constables, most constables did not serve as jurors and men in both groups served as overseers of the poor. Seventeen men in each half of the parish served as overseers without serving either as juror or constable. Had we more than two juries no doubt more of the constables and overseers would have appeared among the jurymen. But in two respects the position had changed: whereas all the constables had been listed men we now find that four men were not listed in the appropriate section

²⁰ In 1673 a George Smallwood was assessed for five hearths at Upleatham and a Phillip Scarth for six hearths at Hinderwell: Hebden, *Hearth Tax List*, 5, pp. 30 and 35. In 1656 a P. Scarth of the City of London rented land to a Danby man: Robinson, *Story of Danby*, p. 130.
²¹ NYCRO/PR/DAN/3/1, pp. 17-19 and 95-6; Glaisdale 'Overseer of the Poor Account Book 1709-1814' and Glaisdale 'Constables Accounts 1708-1854': NYCRO/PR/GL/3/3 (both). Some pages in the latter are torn and the names of two Glaisdale constables are therefore not available.

Constable		Constable	
Danby		Glaisdale	
Jurors (1735 and 1739 only):-			
Joshua Campion		George Adamson	
Francis Dowson	O	Andrew Cook	
Thomas Dowson		George Dale	-
Ralph Duck (F)		William Hall	
George Featherstone	1	John Harwood	1 O
John Frank	O	William Husband	
Robert Grey	1	William Lacy	O
John Hall		Roger Ness	
Robert Hardin		Robert Temple	1
Robert Hodgson		Thomas Wilson	O
John Peirson	O	Daniel Yeward	
William Scarth	1		
William Thornhill			
Lawrence Ward (F)	D#		
Nicholas Wilson			

Non-jurors:-

James Clerke	1	John Boyes	2D
George Hill	1	John Dale	3D O
John Hill*	1#	Richard Garbutt*	h
John Langburn	1 O	John Harrison	h
Joseph Pearson	1	Joseph Lain*	1
William Porter	h#	John Mead	h
William Preston	1 O	Peter Nellist*	h
George Thompson	1 O	William Peirson	h O
George Trowsdale	1	Thomas Watson	h

(F) = foreman

O = overseer

D = deputy

* = unlisted

h = hired a deputy

The jury list gives John Hill but the parish account book gives William Porter and his deputy Laurence Ward

Table 92. Danby and Glaisdale constables 1732-42.

of the call roll; and we also find that seven of the twenty men due to serve as constables hired deputies. Entries in the Glaisdale constables' accounts book in 1740 and 1741 show clearly that men served for particular properties: in the latter the constable was 'standing for his farm at' and in the former the properties of Richard Garbutt and Peter Nellist were 'making all one constable'. Garbutt and Nellist were not included in the Glaisdale section of the call roll but men of that name were listed at Danby, indeed a Peter Nellist served as an overseer there. Garbutt's purchase of the farm 'making' half a constable is mentioned in the book and it would seem

that as residents in the Danby part of the manor who had acquired properties in the other part they were obliged to hire a deputy. In the five other cases the hirers lived where they were due to serve, four in Glaisdale where there were also two cases of overseers hiring deputies during the decade. At Glaisdale in eight years two deputy constables served five times between them. It seems that deputies were not necessarily lesser men for at Danby the 1735 jury foreman Lawrence Ward was appointed a deputy constable in 1739. The system under which offices were distributed widely was beginning to break down at Snape and Well early in the eighteenth century: at Danby and Glaisdale it seems to have been maintained but some constables avoided service by hiring deputies.

It was not the practice to enter the occupations of Danby men in the parish registers early in the eighteenth century and we know little about the status of the jurors and constables there. But the baptisms passed from Glaisdale often include this information and with a few occupations gleaned from elsewhere they form the basis of Table 93.²² There are more overseers than jurors and constables in the table but it suffices to show that farmers, craftsmen and even sailors were active in local government at Glaisdale. One of four labourers mentioned in the parish registers served as a juror at Danby.²³ And the comparatively lowly served at Glaisdale too: the tailor William Milner, who served as a deputy overseer in 1741, appears to have been himself the recipient of poor relief in 1732 and 1736.²⁴ None of the six men of the better sort revealed by the call roll served in any capacity and it is probable they lived out of the manor. The few occupations we have seem to indicate that offices not only continued to be shared widely but they

²² William Peirson: D/p.176; George Dale: D/p.199; John Dale: D/p.84 and D/p.199; Hall: D/p.83 and D/p.199; Richard Dale and Watson lived at Pennock Farm and Watson Farm respectively: NYCRO/PR/GL/3/3 (overseers accounts 1738 and 1742); Mackridge was a yeoman in 1762: D/p.203; Frankland: D/p.82; Harwood: F.Edge, 'A Glimpse of the North-East Moors', *The Yorkshire Dalesman*, 9 (1947), p. 352, and Robinson, *Story of Danby*, p. 319; Milner: D/p.82; John Peirson: D/p.181; Readman: D/p.190; Winspear: D/p.204; Dowson: D/p.82; Hodgson: D/pp.83 and 84; Mead: D/p.81; Ness: D/p.81 and 83; and Produm: D/p.84.

²³ Thomas Dowson: D/p.82; the others being Richard Ellerby, Thomas Hobson and Michael Smith: D/p.84.

²⁴ D/p.82 and NYCRO/PR/GL/3/3.

	Occupation	Juror	Constable	
William Peirson	Yeoman	-	h	
George Dale	Husbandman	1	-	h
John Dale	'Householder' / Husbandman	-	3D	O
William Hall	Butcher/Husbandman	1	-	
Richard Dale	(Farmer)	-	-	O
Ralph Mackridge	(Farmer)	-	-	O
Joseph Watson	(Farmer)	-	-	O
John Frankland	Sailor	-	-	D
Thomas Harwood	Stonemason	-	-	h
William Milner	Tailor	-	-	D
John Peirson	Mariner	-	-	O
William Readman	Shoemaker	-	-	O
Robert Winspear	Blacksmith	-	-	O
Robert Hodgson	'Householder'	-	-	O
Thomas Mead	'Householder'	-	-	O
Roger Ness	'Householder'	1	-	
Samuel Produm	'Householder'	-	-	O

(Farmer) = occupation assumed

O = overseer

D = deputy

h = hired a deputy

Table 93. Glaisdale jurors and officers with known occupations 1735-41.

were shared amongst the various classes of resident.

The parish account books show that late in the eighteenth century constables continued to serve for particular properties and that some men continued to hire deputies rather than serve as constables. Five times in a dozen years at Danby and once at Glaisdale the man sworn at the leet differed from the man named in the accounts yet deputies are not mentioned in either source. In two of these cases the sworn men proved to be the unlisted sons of the other men who were listed and this was probably true in two of the other cases where the surnames are the same: in Tables 94 and 95

Listed Juror/Affeeror Constable
(Foreman)

William Preston	3	3	DID NOT SERVE	
Thomas Prudom	12	10/2	DID NOT SERVE	0
Robert Peirson*	9	8	DID NOT SERVE	0
John Peirson*	12	8 (1)	DID NOT SERVE	
Ralph Proud	12	7	DID NOT SERVE	
Thomas Weatherill	6	3	DID NOT SERVE	
William Dale	12	8 (3)	DID NOT SERVE	0
Richard Agar	3	1	DID NOT SERVE	
John Prudom	12	3/1	DID NOT SERVE	0
George Walker	12	4	DID NOT SERVE	0
Thomas Peirson	11	3 (2)	1	
Robert Harrison	12 or 10	3	DID NOT SERVE	0
William Longburn	12	3	DID NOT SERVE	
William Fentriss	5	1	DID NOT SERVE	
Richard Campion	11	2	DID NOT SERVE	
Matthew Agar	12	2	1	0
John Robinson*	12	2	DID NOT SERVE	
William Scarth	12	2	DID NOT SERVE	
George Trousdale	12	-/2	1	
Thomas Peirson junior	12	1	1	
Richard Shackleton	12	1	1	
Abraham Sowley	12	-/1	DID NOT SERVE	0
Richard Dale*	-	7	DID NOT SERVE	
James Buckley	11	-	h	
George Campion	12	-	1	0
Mark Dowson	12	-	1	
(and son John)				
John Easton	-	-	D	
Thomas Easton	12	-	1	0
(and son John)				
William Easton	-	-	1 & D	
Thomas Fletcher	12	-	D	0
George Harrison	12	-	1	
(and son Richard)				
William Petch	2	-	h	
John Sanderson	12	-	h	0
William Winspear	12	-	1	

0 = overseer

D = deputy

h = hired a deputy

* Treated as Danby because of position in jury list

Table 94. Danby constables 1786-97.

Listed Juror/Affeeror Constable
(Foreman)

William Lacy	12	10/2	DID NOT SERVE	D
Robert Petch	4	4 + 1 (2)	DID NOT SERVE	
Robert Frank*	12	6/2 (1)	DID NOT SERVE	
Robert Venis	12	8	DID NOT SERVE	O
William Harrison	12	7	DID NOT SERVE	
William Ness	12	6	DID NOT SERVE	
George Woodwark junior	4	2	DID NOT SERVE	
John Breckon (1)	7	3	DID NOT SERVE	O
John Hall	12	5	DID NOT SERVE	
George Hoggarth	9	3	DID NOT SERVE	
Miles Mead	12	3/1	DID NOT SERVE	
Richard Robinson	12	4	DID NOT SERVE	
George Woodwark	12	4	DID NOT SERVE	
John Boyes	4	1	DID NOT SERVE	O
Jonathon Leng	4	1	DID NOT SERVE	O
John Cook	10	1/1	1	
John Breckon (2)	11	1/1 (1)	DID NOT SERVE	O
Peter Merry	11	2 (1)	DID NOT SERVE	
Ralph Mackridge	12	2	DID NOT SERVE	
John Watson	12	2	1	
Francis Harland	12	-/1	DID NOT SERVE	h
George Hoggard junior	12	1	DID NOT SERVE	
William Mead	12	1	1	
Richard Summerson	4		1	
William Cockerill	-		1	
Mathew Leng	8		D	
Danvers Allen	11		h	O
William Peirson	10#		1	
Richard Wood	7		1	
(and son John)				
William Brunton	5		1 & D	
William Thompson	4		h	
John Youard	12		1	O

O = overseer

D = deputy

h = hired a deputy

* treated as Glaisdale because of position in jury list

in two separate periods

Table 95. Glaisdale constables 1786-97.

these cases have not been treated as hiring cases proper.²⁵ The tables show that at both ends of the manor the constables continued to be drawn from the jurors and non-jurors alike. There is no evidence of any tendency for the administration of the manor to be concentrated in few hands and again the parish post of overseer was spread more widely: fourteen overseers at Danby and fifteen at Glaisdale did not serve as juror or constable.

Towards the end of the eighteenth century occupations appear more often in the registers at both Danby and Glaisdale. The jurors and officers with known occupations are given in Tables 96 and 97.²⁶ Only one of the three men with appellations in the call roll appears in the tables: Mr Peter Merry of Lealholm Hall, who managed the lord's coal mines and who was to be appointed agent at Mulgrave Castle, was foreman of one of the two Glaisdale juries on

²⁵ At Danby John Easton was sworn for Thomas Easton in 1791 and Thomas's son John was baptized in 1767: D/p.190; John Dowson was sworn for Mark Dowson in 1793 and Mark's son John was baptized in 1765: D/p.189; and George Harrison was sworn for Richard Harrison in 1789. At Glaisdale John Wood served for Richard Wood in 1791 whose tenancy he took over from 1795: III/3/5/f.16.

²⁶ Danby: Matthew Agar: D/pp.250 and 252; Richard Agar: D/p.252; Harrison: D/p.244; Jowsey: D/p.269; Thomas Peirson: D/p.251; Preston: D/p.196; Ralph Proud: D/pp.249 and 252; Scarth: D/p.247; Wetherill: D/p.251; Chapman: D/p.249 ('Furnace') and Robinson, *Story of Danby*, pp. 272 and 305 ('Furnace Farm'); Dowson: IV/3/3, p. 21 (103 acres); Green: D/pp.250-2; Longburn: III/4/78 (carried soil into his enclosed grounds); Petch: IV/3/3, p. 23 (110 acres); John Prudom: IV/3/3, p. 26 (34 acres); Sanderson: D/p.249; Shackleton: IV/3/3, pp. 22 and 42; Sowley: D/p.197; Trousdale: D/pp.248-9 and 251; Buckley and John Proud: Harrison, 'Danby Coal Mines', p. 17, Owen, 'Moor Coal of North Yorkshire', p. 21, and Robinson, *Story of Danby*, p. 80-1; Fentriss: IV/3/3, p. 26; Campion: IV/3/3, p. 43 (smith's shop built upon the waste'); Cornforth: D/p.197; Dale: D/p.208; Easton: D/p.250; Prudom: D/p.211; Robinson: D/pp.249 and 251; Winspear: D/p.252; Hall: D/p.245; and Robert Peirson: D/p.209. Glaisdale: Merry: Owen, 'Moor Coal of North Yorkshire', p. 21, and Robinson, *Story of Danby*, pp. 80 and 318; Harrison: G/p.30; Mackridge: G/pp.33-4, 37 and 41; Mead: G/p.40; Ness: D/p.269; Robinson: G/opposite p.31, p.33, between pp.33 and 34, p.39; Thompson: G/pp.37 and 41; Watson: G/opposite p.31, pp.33-4, 39 and opposite p.41; Wilson: G/p.38; Woodwark: G/p.39; Allen: NYCRO/PR/GL/3/3 (1788 'for his high farm'); Brunton: G/pp.33-4 and 39; Ellerby: G/p.32, between pp.33-4 and p.40; Fawcett: NYCRO/PR/GL/3/3 (1786 'hired for Robert Fawcett farm'); Frank: IV/3/3, p. 36; Hoggarth: G/p.32; Youard: G/opposite p.31 and p.33; Boyes: IV/3/3, p. 20; John Breckon: D/p.233; William Breckon: G/pp.38 and 40; Hoggard: Robinson, *Story of Danby*, pp. 187 and 390; Moon: G/p.30; Wood: D/p.268; and Collier: G/p.39.

Occupation Listed Juror/Affeeror Constable
(Foreman)

Matthew Agar	Yeoman	12	2	1	0
Richard Agar	Yeoman	3	1	-	
Robert Harrison	Yeoman	12 or 10	3	-	0
Francis Jowsey	Yeoman	12	-	-	0
Thomas Peirson	Yeoman	11	3 (2)	-	
William Preston	Yeoman	3	3	-	
Ralph Proud	Yeoman	12	7	-	
William Scarth	Yeoman	12	2	-	
Thomas Weatherill	Yeoman	6	3	-	
John Chapman	(Farmer)	7	-	-	0
Mark Dowson	(Farmer)	12	-	1	
James Green	Farmer	5	-	-	0
William Longburn	(Farmer)	12	3	-	
William Petch	(Farmer)	2	-	h	
John Prudom	(Farmer)	12	3/1	-	0
William Sanderson	Farmer	12	-	-	0
Richard Shackleton	Farmer	12	1	1	
Abraham Sowley	Farmer	12	-/1	-	0
George Trowsdale	Farmer	12	-/2	1	
William Fentriss	Freeholder	5	1	-	
James Buckley	Mine manager	11	-	h	
Richard Campion	(Smith)	11	2	-	
William Cornforth	Wright	9	-	-	0
William Dale	Butcher	12	8 (3)	-	0
John Easton	Butcher	-	-	D	
John Proud	Mine lessee	3	-	-	0
Thomas Prudom	Butcher	12	10/2	-	0
John Robinson	Wright	12	2	-	
William Winspear	Shoemaker	12	-	1	
William Hall	Collier	12	-	-	0
Robert Peirson	Collier	9	8	-	0

(Farmer) = occupation assumed 0 = overseer

D = deputy
h = hired a deputy

Table 96. Danby jurors and officers with known occupations 1786-97.

which he served.²⁷ At Danby the jurors and affeerors were drawn both from those who farmed and those who practised crafts and trades. Men designated yeomen in the parish registers served as jurors more often

²⁷ III/3/5/f.6, f.14 and f.15.

Occupation Listed Juror/Affeeror Constable
(Foreman)

Mr Peter Merry	Mine manager and land agent		2 (1)	-	
William Harrison	Yeoman	12	7	-	
Ralph Mackridge	Yeoman	12	2	-	
William Mead	Yeoman	12	1	1	
William Ness	Yeoman	12	6	-	
Richard Robinson	Yeoman	12	4	-	
William Thompson	Yeoman	4	-	h	
John Watson	Shoemaker/ Yeoman	12	2	1	
John Wilson	Yeoman	5	-	-	O
George Woodwark jun	Yeoman	4	2	-	
Danvers Allen	(Farmer)	11	-	h	O
Joseph Blueman	Farmer	10	-	-	D
William Brunton	Farmer	5	-	1 & D	
James Ellerby	Farmer	12	-	-	O & D
Robert Fawcett	(Farmer)	-	-	-	h
Robert Frank	(Farmer)	12	6/2 (1)	-	-
George Hoggarth	Farmer	9	3	-	
John Youard	Schoolmaster /Farmer	12	-	1	O
John Boyes	Freeholder	4	1	-	O
John Breckon (2)	Surgeon	11	1/1 (1)	-	O
William Breckon	Miller	6	-	-	O
George Hoggard jun	Schoolmaster	12	1	-	
Christopher Moon	Miller	12	-	-	O
Richard Wood	Tanner	7	-	1	
George Collier	Labourer	11	-	-	D

(Farmer) = occupation assumed O = overseer D = deputy
h = hired a deputy

Table 97. Glaisdale jurors and officers with known occupations

1786-97.

than those described as farmers but the three men who served most often were butchers and a collier. Whereas at Snape and Well at that time comparatively small groups of farmers dominated both the manorial juries and offices the choice of jurors at Danby was still wide, not confined to any occupational group and during the period studied the constables were drawn from those who served least often

as jurors or not at all. At Glaisdale the picture is different for although the choice of jurors and officers was still quite wide those for whom we have occupations worked the land: many men given various occupations in the registers appear nowhere in the ranks of jurors and officers. The evidence is not as clear-cut as that in the other manor, indeed we have occupations for only fourteen of the twenty-three men who served as jurors, but it is possible that at Glaisdale the farmers had set out on the road to domination followed by their opposite numbers across the riding.

At Snape and Well we used the land tax to confirm it was the better-off who held office there and we found the more tax they paid the more they tended to serve. Tables 98 and 99 show that at Danby and Glaisdale too there was a tendency for frequency of jury service, and more particularly service as an affeeror and as foreman, to go hand in hand with the payment of land tax.²⁸ The tax list shows that the land of many of the men listed in the tables who served neither as juror nor constable was occupied by others and they could have been resident elsewhere.²⁹ Only eight of the proprietors of taxed land, all owner-occupiers, served as constables; four occupiers named in the tax list but not in the tables also served in this capacity;³⁰ two other proprietors who hired deputy constables were not owner-occupiers but in both cases they occupied the land of others:³¹ it would seem that the obligation to serve as or provide a constable probably rested on the occupation rather than the ownership of land. Two occupiers also served as jurors and affeerors at

²⁸ NYCRO/QDE(L).

²⁹ For example nine of the twenty men at the head of the Danby list served in no capacity but of these seven let their land and only George Hartas and Robert and John Frank were owner-occupiers.

³⁰ At Danby Thomas Easton and George Campion occupied land for which tax of £1 15s.5d. and £1 11s.8d. was paid. At Glaisdale Richard Wood and William Peirson occupied land for which tax of 8s.4d. and 5s.0d. was paid.

³¹ At Danby John Sanderson's land was occupied by Robert Agar but he occupied Robert Ward's land. At Glaisdale Danvers Allen's land was occupied by Widow Blackburn and Christopher Collier but he occupied some of the lord's land.

	Tax paid £ s d	Juror/Affeeror (Foreman)	Constable	
Lord Downe	12 11 5	-	-	
Matthew Agar senior	3 4 2	-	-	
William Dale	3 2 3	8 (3)	-	0
Peter Campion	2 4 2	-	-	
George Newburn	2 1 3	Not listed		
Thomas Peirson	2 0 10	3 (2)	1	0
George Hartas	2 0 0	-	-	
William Scarth	1 11 8	2	-	
William Longburn	1 11 0	3	-	
Ralph Proud	1 10 0	7	-	
Rev Mr Duck	1 7 6	-	-	
George Walker	1 6 0	4	-	0
Thomas Prudom	1 5 5	10/2	-	0
Richard Dale	1 5 0	7	-	
William Hartas	1 5 0	-	-	
Joshua Campion	1 3 9	Not listed		
George Trousdale	1 2 1	-/2	1	
Robert and John Frank	1 1 8	-	-	
Robert Harrison	1 0 5	3	-	0
John (& Thomas) Peirson	1 0 4	8 (1)	-	
John Baker	1 0 0	-	-	
Thomas Trousdale	1 0 0	Not listed		
Peter Unthank	1 0 0	-	-	
Thomas Dowson	17 6	-	-	
William Hall	17 3	-	-	0
Francis Jowsey	16 8	-	-	0
William Preston	16 8	3	-	
Robert Ward	15 10	Not listed		
John Robinson	15 7	2	-	
Leonard Dale	15 0	-	-	
Robert Peirson	14 7	8	-	0
Matthew Agar junior	14 2	2	1	0
Richard Campion	14 2	2	-	
Robert Dale	13 2	Listed at Glaisdale		
George Scarth	12 11	-	-	
Ralph Sanderson	12 8	-	-	
John Sanderson	12 6	-	h	0

h = hired a deputy
O = overseer

and thirty-two other men none of whom served as jurors and only one of whom served as a constable, William Winspear who paid 3s.9d.

Table 98. Offices held by men who paid land tax at Danby in 1787.

	Tax paid £ s d	Juror/Affeeror (Foreman)	Constable	
Lord Downe	6 8 2	-	-	
John Pennock	4 1 1	-	-	
Peter Merry	3 8 0	2 (1)	-	
George Woodwark	2 17 8	4	-	
Mr [Robert] Petch	2 2 1	4 + 1 (2)	-	
William Harrison	1 19 10	7	-	
George Wood	1 18 4	Listed at Danby		
John Breckon	1 14 10	3	-	O
John Broderick	1 14 5	Not listed		
John Cook	1 12 7	1/1	1	
Robert Frank	1 11 6	6/2	-	
John Watson	1 11 1	2	1	
William Lacy	1 10 6	10/2	-	D
John Coates	1 7 9	Not listed		
Ralph Mackridge	1 7 5	2	-	
Henry Harrison	1 7 2	-	-	
William Ness	1 5 1	6	-	
Thomas Hart	1 4 5	-	-	
John Venis	1 4 5	-	-	
James Fawcett	1 3 10	-	-	
Thomas Breckon	1 3 4	-	-	
John Hall	1 1 8	5	-	
George Hoggart	1 1 4	3	-	
William Herbert	1 1 1	-	-	
John Boyes	1 0 6	1	-	O
Robert Dale	1 0 1	-	-	
William Frankland	19 5	Not listed		
John Robinson	19 5	-	-	
William Campion	18 10	-	-	
James Wood	18 9	-	-	O
Thomas Wood	17 6	-	-	
Thomas Thistle	16 8	Not listed		
Joseph Wilson	16 7	-	-	
John Wilson	16 1	-	-	O
Matthew Agar	14 11	Listed at Danby		
Robert Dale	14 6	-	-	
William Hodgson	14 5	-	-	
Jonathon Leng	14 5	1	-	O
John Collier	14 4	-	-	
Richard Summerson	12 4	-	1	
Francis Harland	12 2	-/1	-	h
Miles Mead	12 2	3/1	-	
William Knaggs	11 8	-	-	
William Harland	11 1	-	-	O
James Winspear	11 1	-	-	
Robert Venis	11 0	8	-	O

O = overseer

h = hired a deputy

and forty-two other men none of whom served as jurors and only one of whom served as a constable, John Youart who paid 6s.8d.

Table 99. Offices held by men who paid land tax at Glaisdale in

1787.

Danby.³² Not all the officers appear in the tables, some because they were listed and served later, some perhaps because a relative was taxed, some because they appeared in the tax list for the other half of the parish and others no doubt simply because they had no land to be taxed.³³ The correlation between tax paid and service is not as clear as it was in the other manor but it is there nevertheless: almost all those who paid so little that they are omitted from the tables never served as juror or constable; those who paid more served and, although the choice was not as exclusive as found elsewhere and therefore the jurors are scattered throughout the tables, the affeerors and foremen are generally to be found amongst those who paid most.

Unlisted Persons in the Court Rolls and Parish Registers

The late seventeenth-century presentments contain few offences and even fewer offenders not named in the call rolls. Several lived outside the manor: six Liverton men took turf, a Rosedale man burned the common and a Comondale man was twice presented for encroachment.³⁴ In the absence of other evidence there is no reason to believe other men presented for these and similar offences committed on the moors lived in the manor. Others may well have lived in the households of listed persons whose surnames they

³² John Prudom, assumed to have been a farmer and who served on three juries and once as an affeeror, occupied Thomas Trousdale's land for which a pound tax was paid; the farmer Abraham Sowley, who was an affeeror once and once an overseer, occupied Widow Sowley's property for which ten pence was paid and is not mentioned elsewhere in the tax list.

³³ At Danby John and William Easton served as deputy constables: Thomas Easton was listed as an occupier. At Glaisdale John Breckon (2), George Hoggard junior and George Woodwark junior served as jurors: John Breckon (1), George Hoggart and George Woodwark [senior] are prominent in the table. Mark Dowson and Richard Shackleton who served at Danby appear in the Glaisdale tax list as a proprietor and occupier respectively. There was no fixed boundary between Danby and Glaisdale until an agreement reached in 1870 and Atkinson reports that Danby men paid the sess at Glaisdale, Glaisdale men at Danby, and some men in both paid the sess in both: Page, *Victoria History: North Riding*, 2, p. 348; Atkinson, *Quarter Sessions Records*, 6, p. 162.

³⁴ III/4/3-5. III/4/7 and III/4/9.

	Baptisms (Fathers)	Burials (fathers and husbands)	Marriages (grooms)
Listed	92 (63.4%)	41 (76.0%)	59 (54.1%)
Unlisted but mentioned in the rolls	3 (2.1%)	2 (3.7%)	-
Unlisted and not mentioned	50 (34.5%)	11 (20.4%)	50 (45.9%)
Totals	145	54	109

Table 100. The call-roll status of men mentioned in Danby parish registers 1689-1701.

shared.³⁵ But two men might have been resident unlisted: Thomas Mercer served as a juror in 1690 and he also served as an overseer of the poor in 1693; Richard Moore served as a juror both in 1693 and 1696.³⁶ And in another case the parish registers confirm the omission of the culprit from the rolls: in 1697 William Preston broke the 'dewstint' contrary to a pain but between 1689 and 1700/01 he had no less than six children baptized and two buried in the parish.³⁷

The comparatively sparse presentments contain little evidence of unlisted residence but, as at Snape and Well, the parish registers compensate for the deficiency. The numbers of unlisted men revealed by the registers are given in Table 100. About

³⁵ Robert Wood and Francis Sowley served as jurors, James Sanderson discharged a firearm, and Edward Barker defaulted; Mary Wood and Ann Sowley were listed as widows and the lists include several Sandersons and Barkers including females: III/3/1, f.5; III/3/1, f.10; III/4/3-4 and III/4/9. Default is a curious offence for an unlisted person to have committed. Barker could have been one of the indecipherable call-roll entries referred to later but he could also have represented Alice Barker: III/3/1, f.3. He also fathered two illegitimate children during the period: D/pp. 65 and 162.

³⁶ III/4/4, III/4/6-7 and PR/DAN/3/1, p. 12. Robert Petty, John Handley and Thomas Hartas also served as overseers unlisted during the period but Petty and Handley had names not otherwise found in the manorial or parish records and it is possible that the boundaries for poor law purposes differed from the manorial and parish boundaries.

³⁷ III/4/8 and D/pp.59-63, 66 and 161-2.

two-thirds of 145 fathers named in baptisms and more than three-quarters of the fifty-four husbands and fathers named in burial entries were listed during our period. Eight unlisted men featured in both the baptismal and burial records and the registers therefore reveal fifty-eight unlisted men in all. Only three of these men were mentioned in the court rolls.³⁹ Several unlisted men were recorded as living elsewhere and many appeared only once, not evidence of permanent residence.³⁹ But the evidence of the rolls and registers reveals the presence of some thirty men who seem to have been in the parish long enough for residence to be assumed. These men, with the minimum periods they appear to have been in the parish, are given in Table 101.⁴⁰ Just over half the grooms in the period were listed and in most of the other cases the surname of the groom or bride appears in the call roll. In two of the nine cases where both parties had names not known in the manor we know the groom lived elsewhere.⁴¹ This may well have been true of most of the other grooms for only George Jackson seems to have remained long enough to have a child baptized: he has been included in Table 101 as a probable resident. The table gives a mean of some sixteen unlisted male heads of households in the manor at any given time. The figure could be too high for nineteen suitors' names are partially or wholly indecipherable in the call roll. But the figure could also be too low

³⁹ William Preston and Edward Barker already cited; and John Simpson of Commondale: D/pp.62, III/4/7 and III/4/9.

³⁹ Seven fathers hailed from Commondale and one from Lythe.

⁴⁰ Atkinson: D/pp.55, 57, 60, 62-3 and 163; Barker: D/pp.57, 65 and 162; Bullmer: D/pp.64 and 66; Bulman: D/pp.64-6 and 69; Burbank: D/pp.65 and 67-8; Burton: D/pp.64-5; Coverdale: D/pp.55, 58-9, 61 and 159; Dale: D/pp.55, 57, 59, 65-6, 68, 153, 157-8 and 160; Cornelius Frankland: D/pp.62, 64 and 68; Walter Frankland: D/pp.164-5; Gatenby: D/pp.64, 66-7, 69 and 71; Hall: D/pp.65-7, 69 and 71-2; Hill: D/pp.56-8, 60, 159, 161-2 and 166; Hodgson: D/pp.65 and 169; Jackson: pp.61, 63 and 107; Nellist: D/pp.67 and 69-70; Petch: D/pp.63 and 66; Preston: D/pp.57, 59-63, 65-7, 157 and 166; Robert Pruddom: D/pp.160-1; Samuel Pruddom: D/pp.55, 57, 59, 64-5, 157, 162 and 166; Rudd: D/pp.62-3, 65, 67-8 and 166; Slater: D/pp.64, 66(Jacob), 67, 71 and 167; Sugget: D/pp.59, 61 and 63; Summerson: D/pp.60-1, 63 and 159; Taylor: D/pp.61-2 and 65; Thompson: D/pp.56-7, 59, 61, 63, 66 and 169; Venice: D/pp.61, 63 and 162-4; James Winspear: D/pp.62 and 66; Ralph Winspear: D/pp.63 and 65-6; and Wood: D/pp.57, 60-1, 64 and 67.

⁴¹ Thomas Saunders was a gentleman who lived at Cotebank, Lythe: D/pp.61 and 106; and Peter Fentriss lived in Commondale: D/pp.63 and 107.

	1689	90	91	92	93	94	95	96	97	98	99	1700	01
William Atkinson	U	U	U	U	U	U	U	U	U	U			
Edward Barker	U	U	U	U	U	U	U	U	U	U	U		
Richard Bullmer										U	U		
Matthew Bulman									U	U	U	U	U
John Burbank											U	U	U
Francis Burton								U	U	U	U		
Thomas Coverdale	U	U	U	U									
Thomas Dale	U	U	U	U	U	U	U	U	U	U	U	U	U
Cornelius Frankland						U	U	U	U	U	U	U	U
Walter Frankland												U	U
Thomas Gatenby									U	U	U	U	U
William Hall										U	U	U	U
William Hill	U	U	U	U	U	U	U	U	U	U	U	U	U
Samuel Hodgson										U	U	U	U
George Jackson					U	U							
John Mellist												U	U
John Petch							U	U	U	U	U	U	
William Preston	U	U	U	U	U	U	U	U	U	U	U	U	U
Robert Pruddom				U	U								
Samuel Pruddom	U	U	U	U	U	U	U	U	U	U	U	U	U
Francis Rudd						U	U	U	U	U	U	U	U
James Slater									U	U	U	U	U
William Sugget	U	U	U	U	U	U	U	U					
John Summerson	U	U	U	U	U	U	U						
Tobias Taylor				U	U	U	U	U	U				
George Thompson	U	U	U	U	U	U	U	U	U	U	U	U	U
Robert Venice					U	U	U	U	U	U			
James Winspear						U	U	U	U	U			
Ralph Winspear								U	U	U	U	U	U
Edward Wood	U	U	U	U	U	U	U	U	U	U	U	U	U
Totals	11	11	11	13	14	16	16	17	19	22	21	18	17
													Mean: 15.8

Table 101. Men mentioned in the parish registers who were probably resident unlisted at Danby and Glaisdale 1689-1701.

for no doubt some of the men named were resident longer than the registers indicate and others could have escaped the trawl of the registers. The estimate should be treated with caution but the impression given is that although the call roll covered most male heads of households in the manor a few were excluded, some for not inconsiderable periods. The scanty presentments and the absence of occupations in the registers mean we know nothing of the men excluded and therefore of the possible reasons for their exclusion.

	Baptisms (Fathers)	Burials (fathers and husbands)	Marriages (grooms)
Listed	45 (63.4%)	8 (57.1%)	18 (56.3%)
Unlisted but mentioned in the rolls	-	-	-
Unlisted and not mentioned	26 (36.6%)	6 (42.9%)	14 (43.7%)
Totals	71	14	32

Table 102. The call-roll status of men mentioned in Danby parish registers 1735-39.

We have even less manorial documents to supplement the early eighteenth-century call roll: two lists of jurors and constables, one of which includes a list of tenants to be admitted. The names of the other constables are to be found in the parish books. Only five unlisted men appear in these records and of these only one was a possible unlisted resident: Joseph Lain served as a Glaisdale constable with no apparent family connections but he held office in 1734 and our roll starts in 1735.⁴² Again the parish registers provide more probable unlisted residents: Table 102 shows that about two in five fathers, husbands and grooms were not included in the call roll. The records give no places of residence outside the parish but one deceased man was described as 'a stranger'.⁴³ Most unlisted men appear in only one entry each but fifteen appear more than once including three grooms who remained in the parish long enough to have one child each. These men, with the minimum periods they are assumed to have been in the parish, are given in Table

⁴² NYCRO/PR/GL/3/3. Richard Garbutt and Peter Nellist hired Glaisdale deputy constables and we have assumed they were probably the men of those names listed at Danby. John Hill served as a constable at Danby unlisted but he could have represented George Hill who was listed there: III/3/2, p. 2, and III/4/12. William Benson, although listed as a tenant to be admitted and sworn, was not added to the roll but not all tenants were residents: III/4/11.

⁴³ D/p.177.

	1735	36	37	38	39	
John Bayley					U	
William Bonus	U	U	U	U	U	
Christopher Collier		U	U	U	U	
Miles Corner	U	U				
Peter Fawcett	U	U	U	U	U	
Jonathon Leng				U	U	
Thomas Miller				U	U	
William Miller			U	U	U	
David Morley	U	U	U	U	U	
Ralph Potter			U	U	U	
George Sanderson	U	U	U	U	U	
John Smith	U					
William Sunley				U	U	
John Toes	U	U	U			
Matthew Woodhouse		U	U	U		
Totals	7	8	9	11	11	Mean: 9.2

Table 103. Men mentioned in the parish registers who were probably resident unlisted at Danby and Glaisdale 1735-39.

103.⁴⁴ They included two tailors, a turner, a tanner, a sailor and Peter Fawcett and Jonathon Leng each of whom was described, significantly, as a 'householder'. The table indicates that each year about nine men assumed to have been heads of households were omitted from the call roll.

Curiously, four men presented for default at the end of the eighteenth century were not enrolled in the twelve years covered by the extant call roll; reference will be made to this again.⁴⁵ Of forty-four males presented for digging peat and turf not having a common right no less than thirty-six were not included in the roll:⁴⁶ we have noted persons taking turf who lived out of the manor but their numbers and the fact they are mixed with listed

⁴⁴ Bayley: D/pp.82-4; Bonus: D/pp.81-3; Collier: D/pp.81-5 and 180; Corner: D/pp.78 and 81; Fawcett: D/pp.81 and 83; Leng: D/pp.82-5 and 113; Thomas Miller: D/pp.82-4; William Miller: D/pp.82-3; Morley: D/pp.85, 113 and 177; Potter: D/pp.82-4; Sanderson: D/pp.79, 81, 84 and 177; Smith: D/pp.78 and 81; Sunley: D/pp.82, 86 and 113; Toes: D/pp.81-2; and Woodhouse: D/pp.81-2.

⁴⁵ John Blowmer, John Milner, Richard Ward and Thomas Webster: III/4/73.

⁴⁶ III/4/82.

	Baptisms (Fathers)	Burials (fathers and husbands)	Marriages (grooms)
Listed	124 (56.9%)	57 (64.8%)	64 (82.1%)
Unlisted but mentioned in the rolls	-	-	-
Unlisted and not mentioned	94 (43.1%)	31 (35.2%)	14 (17.9%)
Totals	218	88	78

Table 104. The call-roll status of men mentioned in Danby and Glaisdale parish registers 1786-97.

persons must raise suspicions that some at least were unlisted residents. And during the period seventeen of the twenty male recipients of payments by the Glaisdale overseers and two of three poor Danby men paid part of a legacy were not named in the call roll: some could perhaps have been too old to be enrolled; others, like Ralph Hoggart said to be the brother of George Hoggart who was listed, might have lived in other households; yet more could have been passing through for they had surnames not known in the manor; but again unlisted residence by some of these men must be suspected.⁴⁷

Table 104 confirms that the number of unlisted men in the parish had probably increased; the proportions of such men mentioned in baptisms had risen again. Several fathers and husbands lived elsewhere and many appeared in the registers only once.⁴⁸ But over fifty men lived in the parish long enough to appear twice or more in the registers without appearing in the call roll: twenty-nine with surnames not recorded in the roll;⁴⁹ another twenty-three with

⁴⁷ NYCRO/PR/GL/3/3; and NYCRO/PR/DAN/3/1, p. 76.

⁴⁸ Seven lived in *Commondale*. Joseph Barrowcliffe has been treated as if he appeared once for the baptism and burial naming him were both in 1787: D/pp.246 and 265.

⁴⁹ James Barker: D/pp.247, 249-50, 252 and 269; George Bayliffe: D/pp.248, 250 and 266; Thomas Braithwaite: D/pp.248, 250 and 252; Abraham Brookbanks: D/pp.246, 249-50, 252 and 266, and G/p.33; John Brotton: D/pp.246, 248 and 250, and III/4/82; (Continued ...)

known surnames also resided in the parish unlisted.⁵⁰ The occupations given in the registers for forty-five of these men show they were comparatively lowly: they included twelve labourers, eleven miners, five masons, four weavers, two wrights, two mariners, a blacksmith, a joiner and a thatcher. But they also included three shoemakers, two butchers, a gentleman and a farmer, although we should perhaps be suspicious about the last designation for three of the labourers were at one time described as farmer, husbandman, and even yeoman respectively.⁵¹ The registers confirm suspicions that some at least of the men who dug peat and turf in 1796 were indeed local for nine who appear in the presentment were resident unlisted that year.⁵² The registers have revealed many unlisted men, the peat and turf diggers could include others not named in the registers and it is clear that,

⁴⁹ Continued ... William Brotton: D/pp.245, 247, 249 and 266; John Bumby: D/pp.246, 248, 250-1 and 268; Child: D/pp.245 and G/p.31; James Collin: G/p.37 and 40; Robert Crudas: D/pp.245-7, 249, 251 and 265; Thomas Freeman: G/pp.40-1; James Gosling: D/pp.247-8 and 250-1; John Gosling: D/pp.246, 247 and 264; Anthony Headlam: D/pp.234 and 249; Thomas Headlam: G/p.37 and 40, and III/4/82; William Headland: D/p.267, and G/p.33 and 40; John Hollingsworth: D/pp.245, 247-8, 250 and 252; Francis Mewburn: D/pp.251-2; Isaac Normington: D/pp.247-8; Thomas Padget: D/pp.247, 250-1 and 268-9, and G/between pp.33 and 34; Thomas Pattison: D/p.268, and G/p.29, bet.33 & 34, and 39; William Richardson: D/pp.245-6, 248, 250, 252 and 265; John Ross: D/pp.245, 247-8, 250, 252 and 266; George Sidebottom: D/pp.245 and 265; John Sutcliffe: D/pp.247 and 249, and III/4/82; James Thornton: D/pp.249 and 251; Joseph Thornton: D/pp.248 and 267; John Tyres: G/pp.36 and 39; and Christopher Wallace: D/pp.251-2.

⁵⁰ Joseph Allen: D/p.249 and G/between pp.33 and 34, and p.39; George Bowness: D/p.268 and G/pp.39 and 41; William Coverdale: D/pp.246-7 and 249-51; William Dove: D/pp.246 and 250; John Easton: D/pp.247 and 250; Thomas Featherstone: D/pp.247-50; William Featherstone: D/pp.249-51; Jonathon Garbutt: D/pp.246-8; Thomas Harding: G/pp.39 and 41; William Harding: G/opp.p.31-2, and pp.34 and 37; Nicholas Hart: G/opp.p.31 and p.36; Thomas Hawxwell: G/between pp.33 and 34, and p.36; Septimus Hugill: D/pp.248 and 250, weaver *vide* J.S.Burns, *Canon Atkinson and his Country* (Leeds, 1986), p. 22; Nathaniel Langborne: D/pp. 248 and 250; David Ling: D/pp.246, 248-9 and 251; John Mead: G/pp.30, 32, 37 and 40; Joseph Peirson: D/p.266 and G/pp.33-4, 37 and 40; William Prudom: D/pp.248-50 and 252; George Robinson: G/pp.30; John Slater: D/pp.246, 250-1 and 265; William Slater: D/pp.247-51 and 267; Isaac Thompson: G/pp.37 and 40; and Joseph Wood: G/pp.33-4, 37 and 40.

⁵¹ George Robinson, David Ling and Isaac Thompson.

⁵² Barker, John Brotton, Headlam, Padget and Sutcliffe; Ling, Peirson, John Slater and Wood.

despite the inclusion of the word 'resiants' in the title of the call roll, it was no longer the practice to enroll almost all the residents.

Households

In 1801 the census population of the area was 1753, 990 in Danby and 763 in Glaisdale.⁵³ On 20 March that year the minister at Glaisdale made an entry in his parish register giving the same population for Glaisdale but he also recorded 156 families.⁵⁴ The late eighteenth-century call roll ended in 1797 when one hundred persons were given marks in the Glaisdale lists. It is assumed that not all the persons listed would be resident in the manor and it follows that some sixty heads of households or more had probably been omitted from the call roll of 'Freeholders, Tenants and Resiants' at Glaisdale alone.⁵⁵ The minister's figures show that the mean household size at Glaisdale in 1801 was 4.89. If we apply the same household size to Danby there would be some 202 heads of households there in 1801.⁵⁶ In 1797 the number of persons given marks in the Danby lists in the call roll was only 110 and the deficiency here could be some ninety or more heads of households. Only nine of the 210 persons marked in 1797 were women and if women represented about fifteen per cent of heads of households as we have assumed they appear to have been omitted disproportionately. It would seem some 304 households were headed by men in 1801 but only 201 men were marked in the call roll in 1797, a shortfall of 103 and substantially more than the number of unlisted men identified from the parish registers. The census confirms that it was no longer the practice to enroll most of the residents.

The census for 1851, the call roll covering that year and the 1851 presentment of persons who had taken peat and turf

⁵³ Page, *Victoria History: County of York*, 3, p. 516.

⁵⁴ G/p. 45.

⁵⁵ III/3/5

⁵⁶ At the time of the 1851 census the mean household sizes in each part of the parish were much the same; Glaisdale was 4.47 and Danby 4.41: Public Record Office, H.O.107/2374, 62, 72 and 76, p. 111, in each case; *ibid.*, H.O.107/2375, 353, 369, 381 and 395, p. 111, in each case.

offer clues as to what might have happened.⁵⁷ The population of Danby parish excluding the 'Township of Glaisdale' had risen to 1313 in 298 occupied houses. Of some three hundred heads of Danby households only 112 were listed in the call roll: the title of the roll omits the word 'resiants' and clearly it no longer purported to cover the inhabitants in the manor. The occupations given in the census returns for those enrolled show that eighty-nine (79.5%) had land: they comprised a 'land proprietor', a widow with 'landed property' and eighty-seven farmers including five men who also had other occupations. But fifteen persons designated farmers in the census were not included in the call roll. The 1851 presentment reveals the possible reasons for the omission of these farmers. Two are shown to have lived in Commondale although included in the Danby, not the Commondale, section of the census but this discrepancy could account for only a small part of the difference between the roll and the census.⁵⁸ More significant is the information in the presentment about both proprietors and occupiers: Henry Flintoff and Joseph Thompson occupied cottages owned by John Jackson and John Chapman respectively, both of whom were enrolled; John Lewis and William Sanderson occupied cottages which they owned themselves. It is possible that the other unenrolled farmers, who had not breached common rights and were therefore not included in the presentment, were also either tenants of persons other than the lord or the proprietors of property in their own right: many of the 129 'offenders' who occupied other proprietors' properties were not enrolled and of thirty proprietors who occupied their own property fourteen were not included in the call roll. It would at first seem that perhaps the call roll listed only the freeholders of the manor and the tenants of the lord in accordance with its title, 'Names of

⁵⁷ Public Record Office, H.O.107/2375, 353, 369, 381 and 395, p. 111, in each case; III/3/9; III/2/4/15.

⁵⁸ Jane Sanderson and Michael Longburn: Public Record Office, H.O.107/2375, 352, and 353 pp. 6-10. From the twenty-first property in that section of the census (from item 36) the entries are clearly marked 'Castleton'. The fourteenth to the nineteenth entries inclusive (items 29 to 34) refer to poor houses which it is assumed must also have been in Castleton. It follows that not more than thirteen properties, probably less, could have been deemed to be in Commondale notwithstanding their position in the census return.

Freeholders, Tenants, &c'. But the lord himself is shown as proprietor in several cases in the presentment and of the nine occupiers involved only three appear in the call roll. It would therefore seem that despite its title the roll did not list all the lord's tenants and that perhaps it named only the inhabitants with common rights.⁵⁹ The Rev. Atkinson explained that a commoner was one who was, or held of, a freeholder but he added that if a commoner sold peat or turf to one who was not a commoner, or even took more than his proportionate share, he would be subject to the same pain as a non-commoner.⁶⁰ This would explain why some proprietors and occupiers were enrolled and others not; and why some of those enrolled were nevertheless presented with those not enrolled. It would also explain why twenty-three persons not designated as farmers in the census were nevertheless enrolled: either they had common rights or they held of a common-right holder.⁶¹ Indeed, the curious presentment of four unenrolled men for default already noted raises the possibility that what purports to be a call roll was no longer treated as such: the 'call roll' listed common-right holders but men could be presented for default notwithstanding being unenrolled. Suffice to say that by 1851 the call roll had drifted far from its original objective of listing the tenants and residents in the manor. It was probably drifting in the same direction when it had ceased to be the practice to enroll most of the inhabitants late in the eighteenth century.

At the time of Archbishop Drummond's visitation in 1764 it was reported there were 114 and 115 families in Danby and Glaisdale respectively.⁶² This is not inconsistent with the 156 families reported at Glaisdale in 1801 nor with the 202 households we have assumed were covered by the census at Danby that year for we have assumed the population of the parish rose. The total of 229

⁵⁹ The 'suit roll' at Laxton, Nottingham, another surviving court, also degenerated into a list of common-right holders: Beckett, *History of Laxton*, p. 27.

⁶⁰ Atkinson, *Quarter Sessions Records*, 8, p. xiii.

⁶¹ They included the Rev. Atkinson and he worked glebe land: Burns, *Canon Atkinson and his Country*, p. 41.

⁶² Borthwick Institute, York, Bp.V.1764 Ret 1, Yorkshire, entries 143 and 214.

families is more than the mean number of 195.2 persons listed in the 1735-39 call roll.⁵³ The population could have increased and some of the difference could be accounted for by under-representation of women and uncertainty about boundaries.⁵⁴ Nevertheless the roll may not have covered all the inhabitants: the mean number of suitors had dropped markedly since the late seventeenth century and it would seem probable that the discrepancy was caused by the nature of the roll itself; that, like the roll fifty years later, it no longer reflected all the households.

We have already noted the probable inaccuracy of hearth tax returns. Nevertheless they do provide a crude means of checking the call rolls at the time. In 1673 at Danby and Glaisdale 229 persons were assessed for the tax and thirty-seven discharged, a total of 266 households: in 1689 272 persons were marked in the manor call roll.⁵⁵ No attempt has been made to match the names in the two sources for sixteen years separate them but the figures are remarkably close. This is no doubt deceptive for, as we found at Snape and Well, persons omitted from the one source were probably named in the other: the tax lists no doubt suffered from the same omissions found elsewhere and although the parish registers have told us a number of men probably lived in the parish unlisted there is also reason to believe that more than a few of those enrolled lived out of the manor.⁵⁶ Nevertheless, there is no huge discrepancy to suggest that the roll was restricted as it was a century later and seems to have been in the intervening period. It specifically included residents and it is likely to have been kept like the rolls

⁵³ III/3/2.

⁵⁴ The quality of the roll means it is impossible to be precise about the proportion of marks allocated to women but it was between 6.1% and 7.7%; only twenty-four or 8.6% of the 278 suitors listed at some time were women: both proportions are less than the ten to twenty per cent of women believed to have headed households.

⁵⁵ Hebden, *Hearth Tax List*, 5, pp. 27-9; III/3/1.

⁵⁶ Only 13.9% of those listed were exempt, a proportion even less than at Snape and Well. There is little direct evidence of suitors living out of the manor. A James Harwood listed as a free tenant at Glaisdale could have been the man of that name 'of leverton' presented in 1691: III/3/1, f.5, and III/4/5. And we have already noted the probability that two, perhaps more, of the gentlemen in the undesignated section of the roll lived elsewhere. But (Continued ...

at Snape and Well at that time, only those awaiting enrollment for whatever reasons being excluded.

Assessing the accuracy of call rolls at Danby is bedevilled by the want of information about non-resident suitors, the poor quality of the parish registers and some of the rolls themselves, and imprecision in local boundaries. But the early call rolls were probably little different from those elsewhere which included most of the local inhabitants and the later rolls listed only a restricted section of the population, probably those with common rights. The change in the nature of the rolls explains why the overall attendance record seems to have improved: the later rolls probably concentrated on those with an interest in the manor through their common rights. And it also explains why there were unlisted constables but no unlisted jurors in the eighteenth century: the former were drawn from those with and without common rights but the latter were generally drawn only from those enrolled.

The Danby records proved disappointing. The presentments are few, civil cases even fewer, and some of the call rolls poor. But the information we have, including details of the suitors, the jurors and the officers gleaned from the court and parish records, tells us how the manor deteriorated: the rolls no longer recorded most of the inhabitants; the presentments seem to have ceased to be genuine reports of offenders to become lengthy lists of payments under a system of licensing; the formerly-wide choice of jurors became more restricted; and whereas there is no evidence of substitutes for constables in the seventeenth century deputies were common in the eighteenth. The obligation to serve as a

** Continued ...) if the 272 suitors and seventeen unlisted residents are used to estimate the population using household sizes ranging from as low as 4.0 to the 4.89 found later the parish registers still fail the Eversley plausibility checks badly. The baptisms, and hence the combined baptisms and burials, failed almost totally no doubt in part because of the problems with the transmission of information from Glaisdale already described. But it is assumed the failure of burials in half the years between 1680 and 1710 is more likely to have been because the population estimate is too high, i.e. because suitors had been treated as resident when they were not.

constable seems to have been attached to the occupation of land. And the correlation also found between land-holding and jurors is not surprising in a manor which eventually seems to have been run by and for common-right holders. But jury-service was not to become as exclusive as it became at Snape and Well and even service as a foreman or affeeror was not concentrated in the hands of a few. Why the two manors followed slightly different paths will be examined in the concluding chapter.

CHAPTER SIX

CONCLUSION

Call Rolls and Call Lists

As was suggested at an early point in this thesis improving our knowledge of how manorial courts worked was a major objective. Studying call lists and rolls has illuminated this problem. We have seen that their form and the marks used varied from manor to manor and from time to time. The information contained in a call roll or the book kept at the court could differ from that contained in the call list in the formal court roll for the same court; indeed the call lists in two court rolls for the same court could also differ. But the differences between the lists and rolls were occasional and rarely significant. Call rolls kept over several years with the marks in columns proved difficult to interpret if the clerk failed to indicate clearly when a change in tenancy or residency took place or if he omitted marks in the first or last columns. Multiple marks used at Danby also proved difficult without knowledge of the manorial custom governing attendance at that leet. But the column and multiple-mark problems proved to be less serious than they at first appeared: they affected little, if at all, the regular attenders listed throughout the roll who tended to serve on juries and in manorial offices and they did not preclude examination of the collective attendance record of all those listed or of those listed in the roll's constituent parts. None of these difficulties proved to be such that the lists and rolls could not be used to provide helpful information about the persons listed and the manor as a whole.

Call lists and rolls could be a useful record of the inhabitants if complete. It was the practice in the three North Riding manors and in other manors in the riding to list, in the court rolls and call rolls alike, all the suitors to the court whether they attended or not; they were not partial lists of the type reported elsewhere which either merely listed the suitors who attended or which omitted those attending or excused, merely recording for financial reasons those who paid to be essoined or those amerced for default. The manors examined were selected because their suitors

	Mean totals of known resident men (A)	Mean known resident unlisted men (B)	(B) as proportion of (A)
Snape and Well 1611-21	136.8-141.1	15.9	11.3-11.6%
Carthorpe 1625-35	38.4-38.9	7.5	19.3-19.5%
Wath 1625-35	31.1-31.8	3.0	9.4-9.6%
Snape and Well 1671-85	110.7-122.5	5.8	4.7-5.2%
Snape and Well 1727-36	118.4-129.1	9.6	7.4-8.1%
Snape and Well 1784-93	165.1-173.0	14.9	8.6-9.0%

Table 105. Mean numbers of known resident men omitted from the call lists as proportions of mean totals of known resident men at Snape and Well 1611-21, 1671-85, 1727-36 and 1784-93; and Carthorpe and Wath 1625-35.

specifically included residents and it was hoped that their call lists and rolls would be comprehensive. But we have seen how at Danby, notwithstanding the inclusion of 'residents' in the 1786 call-roll title, it was then no longer the practice to enroll most of the inhabitants; it was probably no longer the practice earlier in the century too. And we have found that even the fuller rolls were not all-embracing: women were sometimes included but sometimes not and adult males living in others' households were excluded. They were not even a record of all households headed by men for the court rolls, the parish registers and other sources revealed there were always at least a few households the heads of which were not enrolled. Table 105, which summarizes the findings, shows that the unenrolled men disclosed constituted some five to twenty per cent of the known male

heads of households.' The early seventeenth-century figures are probably more reliable than the later figures: the manorial records were fuller, the parish registers are more reliable, the proportions for the apparently well-run villages of Snape, Well and Wath are consistent, and the higher proportion for Carthorpe reflects the evidence that its administration was poor. The Well registers are suspect in the period from 1640 to 1760, the manorial records then and later were sparse and the chances of unlisted men remaining undiscovered greater; indeed, our review of the court records, hearth tax return and other records showed that omissions from the call roll were perhaps 13.5% in the 1670s. It would seem that in a well-run manor some five to fifteen per cent of the inhabitants might be omitted from the call lists and rolls.

The omissions appear to have been deliberate: we have seen evidence that some men were obliged to wait before they were listed as resiants and how several men could be admitted to resiancy simultaneously. The meaning of the word 'resiant' has been examined but it proved elusive, indeed it seems to have varied. It is worthy of note that the word seems to have been used only in the context of call lists and rolls and it was still being used in that context at Danby as late as 1919 when its use was still confusing: 'female tenants (both Resiants and Freeholders)' were then given the same legal status as male tenants.² Most, but not all, of the men

¹ The table does not include any figures for Danby. Unlisted men were found in the eighteenth century but we have seen that late that century the rolls no longer purported to cover all inhabitants and that this was probably the case early in the century too. Unlisted men were also found late in the seventeenth century but unlike the other manors we have no means of knowing which of the tenants lived outside the manor and therefore no means of producing reliable figures for column (A).

² NYCRO/ZDSIII/4/259. In the West Tanfield court book residents who defaulted were referred to as such, pains referred to 'inhabitants' and in one case a 'Cottinger': e.g. 9.10.1633 (Wath verdict and Carthorpe and Wath pains). In the early seventeenth-century Snape and Well rolls the villagers were referred to as 'inhabitants' or 'everyone': e.g. 1/164 (Well verdict), 1/167 (pleas) and 1/174 (Snape pain). In 1786 at Crakehall in the North Riding the 'tenants and res' in the call list were the same as the 'freeholders and tenants' in a separate list: NYCRO/ZAW/146/23-4.

omitted seem to have been of the lesser sort. Morris pointed out that inclusion in frankpledge had given some sort of standing in the community and

through residency registration at the leet even after frankpledge itself was gone, there was ... a tendency toward that spirit of village selfishness which in the days of the Poor Laws often made against a new arrival a hypothetical accusation of moral unfitness for membership in the community, not because of any deep-seated regard for personal morality, but from a selfish fear lest some personal liability might arise through the newcomer's residence in the parish.³

We have noted that the omission of some residents from the lists could have been the result of the exercise of the right of the community to control admission to its membership.

Labourers and the lesser sort appear to have provided the core of the unenrolled members of the community. In the seventeenth century probably a quarter to a half of the population in the countryside were farm servants, the proportions varying from county to county. At the end of the century Gregory King estimated that nationally there were some twenty-three per cent 'labouring people and out-servants' and a further twenty-four per cent 'cottagers and paupers'. In the eighteenth century as much as eighty per cent of the population could have been labourers and by 1700 well over half male agricultural workers 'enjoyed little capital and less land'.⁴ But not all these men were heads of households: living-in, dependent workers were probably the largest element in the labour force, in villages mainly working as servants in husbandry.⁵ And not all were unenrolled for some labourers, cottagers and paupers appear in the call lists, probably more than we have detected for want of designations in the records: some 'tenants' were little more than

³ *Frankpledge System*, pp. 163-5

⁴ D.C. Coleman, 'Labour in the English Economy of the Seventeenth Century', *Economic History Review*, Second Series, 8 (1956), p. 283; Everitt, 'Farm Labourers', pp. 397-9; Malcolmson, *Life and Labour in England*, p. 19; Holderness, *Pre-Industrial England*, p. 50.

⁵ A.L. Beier, *Masterless Men: The Vagrancy Problem in England 1560-1640* (London, 1985), p. 23.

cottagers and some 'labourers' were quite well off, owning stock and working land.⁶ It is the assessment of the numbers of men remaining, those who lived out as unenrolled heads of households, which is not straightforward. The five to fifteen per cent or more omitted include those who appear in the court or parochial records more than once and therefore appear to have been resident as heads of households some little time. It has been assumed that few heads of households resident any length of time would escape these records. We noted in Chapter One that manorial records might contain nothing of the landless poor who behaved themselves and Hey has pointed out that labourers could be under-represented in parish registers.⁷ But it has been suggested that because few orders for relief were made at the quarter sessions it is possible that the poor and destitute were not very numerous in the North Riding in the seventeenth century, a suggestion perhaps supported in the Danby area by the few entries in the account books.⁸ Nevertheless, although vagrancy is said to have been rampant in the riding, some of our assumed transients may have been resident:⁹ men who appeared in the registers only once whom we have assumed were transients not in the manor long enough to be listed may not have been transients after all; men who committed offences which could have been committed by outsiders may have been insiders. Some heads of households could have escaped the nets. But using the numbers of unenrolled residents traced and those enrolled known to have been resident we obtained acceptable, if low, estimates of household sizes. If there were many more the estimates would tend to be lower and therefore dubious. There are other elements in the calculations but the figures are consistent and give the impression that if there were unrevealed households in the villages they would be few. The estimate of five to fifteen per cent unenrolled male

⁶ Ashcroft, 'Records of a Manor', p. 16. Examples of well-off labourers can be found at Morris, 'Manor of Little Haywood', p. 116; Beckett, *History of Laxton*, p. 123; will of Miles Constable at F. Collins (ed.), *Selby Wills*, (Yorkshire Archaeological Society 47 1911), pp. 50-1.

⁷ *An English Rural Community*, p. 169.

⁸ Trotter, *Seventeenth Century Life*, p. 55.

⁹ Atkinson, *Quarter Sessions Records*, 6, p. xvii; *ibid*, 7, p. xi; Trotter, *Seventeenth Century Life*, p. 170.

household heads in a well-run village is perhaps not far from the truth.

Laslett declared that 'It is difficult to exaggerate the value of lists of inhabitants to the sociological historian ... a mere string of household heads yields something, especially if the number in each household is given'.¹⁰ The call lists and rolls are wanting in this regard. They are not lists of inhabitants, the number in each household is not given and the lists include non-residents. Nor do they include all heads of households for some men and women were omitted and sometimes all women were excluded. These omissions mean that, despite the value of full tithing lists both to the king and the lord of the manor, the value to the historian of the North Riding call lists and rolls is more equivocal. Even so their usefulness remains clear. The North Riding rolls with residents were more than the mere registers of landholders found by Cicily Howell at Kibworth Harcourt, Leicestershire.¹¹ They have told us much about landholders, residents and the manor as a whole. Mildred Campbell asserted that 'The fact that manorial rolls list tenants in terms of their tenure rather than by status restricts their usefulness because of the difficulty of isolating evidence for a particular class';¹² they also tell us little of the status of residents. Even so, using them in association with evidence of status gleaned from elsewhere in the rolls and from other sources has added to what we have learned. Dawson pointed out that 'There is no way of telling the extent of compliance [attendance] without knowing how complete a census of residents was maintained by each court leet': we have thrown some light on both these issues.¹³ We have estimated the inaccuracy of the call rolls and in one manor at least they seem to have been less inaccurate than the hearth tax return. We have seen the extent and changing patterns of suitors' attendance at the leet by manor; by village; by free tenants, tenants and residents; by jurors and groups of jurors; and by manorial officers. We have noted the reasons given for non-attendance and how they varied from manor

¹⁰ *Family Life and Illicit Love*, p. 57.

¹¹ *Land, Family and Inheritance*, p. 208.

¹² *English Yeoman*, p. 410.

¹³ *History of Lay Judges*, p. 216.

to manor, from group to group, and from time to time. We have witnessed stewards enforcing attendance, changing arrangements to encourage attendance and apparently acquiescing in non-attendance. We have discovered the importance of excuses which had no financial implications and therefore did not appear in court rolls listing only defaults and essoins: accurate attendance rates cannot be gleaned using such rolls with a separate list of tenants or residents. Attendance at court was not so much a right but more a duty, a duty which was irksome:¹⁴ we have observed the reluctance of villagers to travel even comparatively short distances to court and how generally the residents attended less often than the tenants, those who it is assumed had more interest in the business of the manor court. We have registered how some unlisted men waited before they came to be listed as residents and eventually as tenants and how some tenants came to be listed as residents. Dawson thought the unpublished rolls for Ashford, Kent, in 1581, were 'unusual in providing lists of the persons attending as well as those absent' but none of this would have been possible without the fuller rolls of the type which it seems were usually kept in the North Riding, rolls listing not only those who attended but also all those who did not with their reasons.¹⁵ And the information obtained from these North Riding rolls seems not to be available as yet for manors elsewhere.

The North Riding findings on call lists and rolls have revealed how they worked in three northern manors. But Macfarlane suggested views might be used to resolve a number of problems and we can respond to his speculation using the early seventeenth-century Vale of Mowbray book and rolls. He thought, for example, that whether a person was alive or dead or still resident in a certain place was 'one of the hardest facts to establish in historical parishes'.¹⁶ The disappearance from the early seventeenth-century Snape and Well call lists of twenty-seven tenants and two

¹⁴ Pollock and Maitland, *History of English Law*, p. 537; they make the point vis-a-vis county courts but it holds good for courts leet. Lipson has made the same point about membership of medieval guilds: 'We are apt, in truth, to see everywhere privileges where [they] saw only burdens': *Economic History*, p. 326.

¹⁵ *History of Lay Judges*, p. 218, footnote 106.

¹⁶ *Ibid.*, p. 117

resiants can be linked with their burials within the next six months and before the next court leet. In ten of these cases the call-list entry is endorsed '*mort*' and in four other cases '*mort*' marks cannot be matched with burials in the registers. Five of the '*mort*' entries appear in the call roll but not in the associated court roll and in only two cases do the entries appear in both from which it can be assumed that disappearances from court-roll lists would often be explained on the call rolls had they survived.¹⁷ The Carthorpe lists contain three '*mort*' entries and although there are none in the Wath lists the entries for four newly-sworn tenants there are endorsed 'by the will of', the previous tenant being named.¹⁸ In other cases widows were sworn in place of their husbands and although not specifically endorsed with information about a death or will the implication is clear.¹⁹ Sometimes tenancies were held by the heirs of a named person and others were held by the tutors of infants whose deceased fathers are named.²⁰ The rolls contain information about deaths not contained in the parish registers and therefore establish

¹⁷ '*Mort*' entries: (* = not in parish registers) John Glover: 1/105 and 110 (successive lists); Richard Lambert* and Thomas Batty*: 1/109; George Jackson: 1/110; Christopher Whorlton: 1/112; John Watter*: 1/113; James Lambert: 1/148 (there is no '*mort*' on 1/147, another copy of the same court roll); William Gibson: 1/164, 3/71 and 3/85 (successive lists); John Saville: 1/177; Richard Mason*: 3/65; William Atkinson, Christopher Justance and Richard Lund: 3/71; and George Carrie: 3/80. It must be emphasized that it is not safe to assume death from the mere disappearance of a suitor and his replacement with a suitor with the same surname but with no '*mort*' entry: we have seen evidence that some men who disappeared from the lists remained in the villages, litigating and serving as jurors, perhaps retired and living with their replacements.

¹⁸ '*Mort*' entries: Peter Kay: 13.10.1630; and Richard Toes and Cuthbert Browne: 9.10.1632. Will entries: John Watson: 7.10.1635; Thomas Tierman: 9.4.1634; Maria Tierman: 4.10.1634; and John Danby: 4.10.1626 and subsequent lists.

¹⁹ For examples in the West Tanfield book see: Margaret Hutchinson: 28.3.1627; Maria Tait: 16.4.1628; Anna Walker: 4.10.1634; and Maria Smith: 31.3.1635. Evidence of recent widowhood can also be found elsewhere in the court rolls, for example where widows sued as executrices of their husbands' wills: e.g. Jane Tierman: 25.2.1625/6; Margaret Smith: 20.1.1626/7; and Anna Walker: 4.10.1634. Indeed the court rolls can provide evidence even of the deaths of unlisted persons: e.g. Rev. Hugh Bagguley: 7.10.1635 Wath verdict.

²⁰ 1/174 (The Well hospital tenants Edward Kirkby and Francis Kilburne held as tutors for the children of John Mason and John Kilburne respectively.)

death in cases where it might not otherwise have been established; attendance and other marks indicate persons are still alive. But, except in the case of listed residents and occasional examples where it is given to differentiate between men with the same name, residence cannot be established from call lists and rolls alone.

Macfarlane also considered the overlap between views and parish registers, being curious about the possibility that views might be used to calculate the proportions of the population appearing in registers.²¹ The evidence of the North Riding rolls, however, appears to indicate that complete early modern call lists could be as rare as, if not rarer than, complete registers and the chances of finding good rolls and registers for one village comparatively remote. Family reconstruction depends on marriages, families without marriages being omitted, and Macfarlane wondered whether the size of the unreconstructable section which had worried those working in the field could be obtained through views. He found that for the sixty inhabitants of Earls Colne named in a particular view it was possible to trace the marriages of twenty-four which suggested the reconstructable portion was a minority of some two-fifths of the view. The Wath parish registers revealed the marriages of 51.0% of the males listed as tenants and residents at Wath at some time during the period covered by the court book. The equivalent figures for the early seventeenth-century period at Snape and Well were 52.7% and 60.8% respectively. If allowance is made for up to fifteen per cent of heads of households being omitted from the Vale of Mowbray lists the Essex and North Riding figures are not dissimilar.²² Macfarlane also suspected that views could be used to supplement deficient burial registers and the Vale of Mowbray lists provide clear confirmation this is the case: we have noted that four of the 'mort' entries in the Snape and Well rolls could not be matched with burials in the parish register; of the thirteen deaths mentioned in the records for Carthorpe and Wath the burials of only three could be found in the Burneston and Wath registers. Macfarlane

²¹ *Reconstructing Historical Communities*, p. 119-20.

²² The inaccurate lists for Carthorpe precluded a similar check of the Burneston registers.

concluded that in the absence of listings to which they are inferior 'views of frankpledge' and lists of customary tenants are a unique source for overcoming problems; they help the researcher know the dimension of the universe being sampled.²³ The North Riding call lists and rolls confirm his conclusion.

The Decline of the North Riding Courts

The criminal, manorial and civil business recorded in the early seventeenth-century records of the Vale of Mowbray courts give the impression that the courts were thriving and providing a useful local service for the resolution of disputes, maintenance of public order and management of agricultural operations. The call lists and rolls show that, although suitors were reluctant to travel to court and residents less willing to attend than tenants, attendance rates at the six-monthly leets were quite high. At Wath service as a juror and affeeror was restricted to a select group of tenants but at Snape and Well it was spread quite widely amongst the tenants. Jurymen provided most of the constables and a few bilawmen were appointed from outside the jury groups. Service on juries and as officers seems to have been distributed among the classes. There is little evidence of reluctance to serve and the manorial tenants appear to have been content to take their turns.

We have seen how the picture changed at Snape and Well. At the end of the seventeenth century and thereafter the leet sat only once each year. Offenders presented, not least those reported for public order offences, fell markedly and by the end of the eighteenth century most of the few offenders reported to the court had committed offences related to the court itself. The leet had clearly ceased to be as 'powerful' as it was. The sparse records preclude an accurate assessment of the decline in civil suits but it seems it too was marked and the proportion of suits initiated by

²³ *Reconstructing Historical Communities*, p. 128. A number of other points made by Macfarlane have already been addressed in the preceding chapters. However, much of his discussion is of no relevance to the North Riding manors because the Essex 'views of frankpledge' were so different.

outsiders seems to have risen. Despite the reduction in the number of leets attendance rates fell and notwithstanding increases in enrolled suitors the actual numbers attending each court dropped. Attendances were reduced, the circle of topics dealt with had contracted and the presentments rarely contained offences other than default and the like: the court had undoubtedly declined.

As the court deteriorated the character of the juries changed. At Snape early in the seventeenth century more than half (52.6%) of the listed tenants served as jurors at some time in the period studied and of those almost half (46.3%) served as affeerors. The proportion of tenants who served as jurymen at Well was less (36.1%) but there too affeering was undertaken by almost half the jurors (47.2%). Constables tended to be drawn from the jurors but the net was cast wider when bilawmen were selected. Successive juries had different foremen. Many men never served on a jury or in any office and, as Snell has pointed out, the democratic or participatory elements of such service should not be exaggerated.²⁴ Nevertheless service on juries and in manorial offices was then comparatively widely distributed. But we have seen how over 150 years jury-service became ever more exclusive. In both villages the proportion of enrolled men who served on juries was to drop to about one fifth (Snape 18.9%, Well 21.4%); whereas jurors could have expected to serve a mean of some four times each in ten years (Snape 3.6, Well 4.1) this rose to five at Snape (5.0) and to over six at Well (6.4): clearly fewer men were serving as jurors more often. The choice of foremen and the few affeerors appointed also became more restricted. At first the manorial offices were spread beyond the shrinking group of jurors but in due course in both villages any selection systems seem to have broken down and the exclusive groups of jurors dominated the offices, repeated service becoming common. The jurors and officers tended to be the better off with most land.

At Danby late in the seventeenth century the numbers of offences presented to the court were much the same as at Snape and Well but most of the offences were manorial and few reports were of public order offences. Less enrolled suitors attended court

²⁴ *Annals of the Labouring Poor*, p. 107.

but we have noted the difficult terrain over which the resident suitors would have to travel to court from their homesteads scattered amongst the dales. The net was cast widely when jurymen were sought and the choice of constables seems to have been just as wide. If not 'powerful' the Danby court was still functioning and many dalesmen took an active part in its administration. But at Danby too the picture changed. By the end of the eighteenth century presentments contained few offences, separate lists show the juries concentrated on defaulters and 'offenders' who had dug peat or encroached on the commons were now dealt with separately under what was in effect a licensing system. The proportion of those enrolled who attended court remained much the same but many inhabitants were now omitted from the call rolls. The actual numbers attending court dropped.²⁵ Attendances had fallen, the range of offences dealt with had contracted and the presentments rarely contained offences other than default. The Danby court had also declined. As the court deteriorated service as a juror became more restricted but it was not as exclusive as it had become at Snape and Well. The system for selecting constables had not broken down although deputies often served for the persons selected.

Both courts had declined but whereas the Snape and Well court was soon to disappear the Danby court continued to function and indeed it is still active today. It seems the few jurors who went through the motions at Snape ceased to do so after a new steward had no longer taken action on their presentments and after a change of lord of the manor. At Danby the steward and jurors continued to use, and still use, the machinery of the manor court to manage the commons by licensing the use of peat and encroachments and by amercing occasional offenders; to enable them to do so they maintain, and probably maintained in the eighteenth century, lists not of all the householders but only of manorial tenants and common-

²⁵ Whereas a mean of 123.0 suitors attended each court late in the seventeenth century, 88.5 and 98.4 did so early and late in the eighteenth century respectively.

right holders.²⁶ The disappearance of the one court and the survival of the other is clearly linked to open fields and common land: the courts had survived the reductions in criminal and civil business and continued after the volume of manorial business dwindled but their ultimate survival depended in part on the retention in the manor of land worked in common. In unenclosed villages participation of lower-status inhabitants was more pronounced and therefore the trend to exclusivity, first at Snape and then at Well, could reflect the reduction in common land.²⁷ There were open fields in the manor of Snape and Well at least until 1732: we have noted references to field fences about that time and to 'ye corn field' that year. We have seen that Langwith Common and Canswick Moor were enclosed in 1709 and 1753 respectively. It would seem no Snape land was worked in common from 1754 when there was 'no occasion for any Bilawgraves for Snape'. The appointment of four bilawmen at Well in 1786 suggests land there had continued to be worked in common. But the single appointment recorded in a decade when constables were appointed every year is perhaps some indication of the comparative unimportance of the post. In ten years only one offender was presented for failing to repair her walls and fences and it would seem the bilawmen had little to do.²⁸ Any common land remaining in Well at the end of the eighteenth century was apparently of little consequence. Although the Rev. Atkinson described the Danby area as '*par eminence* the land of enclosures', speculating that enclosed land had increased eight-fold up to 1656, it might be better described as a land of commons.²⁹ The dales between have been enclosed but Danby Moor, Glaisdale Moor and Lealholm Moor lie within the manor, the last two moors being common to the townships of Danby and Glaisdale. The three moors cover 11,000

²⁶ In 1973 the then bailiff of the manor was using a register drawn up after a special court in 1907. It contained details not of householders but of 647 properties in the manor with a record of whether or not rights of grazing and/or turbarry were attached. For a brief description of the then activities of the Danby court see Severs, 'Four Courts Leet', pp. 30-2.

²⁷ Snell, *Annals of the Labouring Poor*, p. 108.

²⁸ 1/462.

²⁹ Atkinson, *Quarter Sessions Records*, 8, p. xiv. For enclosures at Danby see *ibid*, 9, pp. ix-xx and 249 (footnote); and *idem*, *Forty Years in a Moorland Parish*, pp. 389-94.

acres of stinted pasture.³⁰ It was the need to manage these commons which no doubt led to the continuance of the Danby court leet.

But elsewhere courts failed where there were still commons to manage. Hoskins has pointed out that where a village lay within two, three or more manors village meetings took the place of the manor courts.³¹ Even in North Yorkshire, where two, three or more villages might lie in a large manor, moors are administered by trustees, general meetings, moor committees or parish councils.³² The retention of common land in a manor cannot alone explain the continuance of a manor court. Not only had the jurors to want the court to persist but the lord of the manor and his steward had to be willing. This leads us to consider what was the perceived value of manorial courts to the lords of manors.

In 1720 when the papist Viscount Fairfax registered his estate with the North Riding Quarter Sessions he was not sure of the value to him of the 'Mannour of Gilling, its rights, &c., together with the Courts Leet, &c.': he stated it was of 'value uncertain'.³³ At about the same time Will. Peirson esquire of Stokesley also failed to put a monetary value on the estate he registered but he was determined to cover every source of possible income: he catalogued

the Barony, Mannour and Lordship of Stokesley ... together with the Courts Leet, view of frankpledge and all that to Courts Leet and views of frankpledge doth belong, Courts Baron, perquisitts, and profits of courts, waifs, estrays, deodands, goods and chattells, felony and fugitives, felons of themselves, outlawed persons, and persons put in exigent, escheats, reliefs, treasure trove, waists and waist-grounds within the said mannour, a free warren ..., a markett overt, and [three fairs], with tolls, piccage and stallage within

³⁰ Page, *Victoria History: North Riding*, 2, p. 349; L.D. Stamp, 'The Geographical Distribution of Common Land', Appendix 4 in the Report of the Royal Commission on Common Land 1955-1958 (Cmd. 462, London, 1958), p. 247.

³¹ W.G. Hoskins, 'History of Common Land and Common Rights', Appendix 2 in the Report of the Royal Commission on Common Land, p. 160.

³² For examples see Severs, 'Four Courts Leet', pp. 37-41.

³³ Atkinson, *Quarter Sessions Records*, 8, p. 81.

the said fayres and marketts, and all other rights, profits, franchises, emoluments, royalties, advantages, and appurtenances whatsoever.³⁴

The courts were clearly worth something but, as Bennett pointed out, it is impossible to assess the financial worth of a court to the lord.³⁵ In times long past courts leet had been sought as an emolument and they were very profitable.³⁶ But we can be sure that as they declined in the seventeenth and eighteenth centuries they were worth ever less than they had been. The lord was entitled to the profits of his leet, the 'essoign [sic] pence, fines and ameracements', but inflation had eroded the value of small sums fixed by custom and many courts were subject to the customary and therefore legal limit of 39s.11d on ameracements.³⁷ Morris found that it was customary as early as 1198 and probably much earlier to pay the clerk a penny per person for enrollment upon tithing-lists: in the mid eighteenth century we find resiants paying a penny on admission at North Riding courts.³⁸ Morris also found that men paid a penny or twopence at the view of frankpledge: no record was found of payments for attendance in the North Riding although as late as 1889 a suitor at Marske in Cleveland sent a penny stamp in lieu of his attendance at the court.³⁹ We have seen that few ameracements reached the customary limit, most were considerably less and offenders presented had dropped markedly. Defaulters, the offenders found most frequently

³⁴ Atkinson, *Quarter Sessions Records*, 8, p. 12. The various perquisites of lords of manors are described at Emmison, *Elizabethan Life*, pp. 206-15.

³⁵ *Life on the English Manor*, p. 218.

³⁶ Hearnshaw, *Leet Jurisdiction*, pp. 340-1; Lenman, B. and Parker, G., 'The State, the Community and the Criminal Law in Early Modern Europe', in Gatrell, V.A.C., Lenman, B. and Parker, G. (eds), *Crime and the Law: The Social History of Crime in Western Europe* (London, 1980), p. 20.

³⁷ Halsbury, *Laws of England*, 9, p. 574. In Chapter Two we noted four eighteenth-century courts, including Snape and Well, at which essoins cost only twopence. A suitor paid a shilling for an essoin at Bellerby in 1789: NYCRO/ZIF/657.

³⁸ *Frankpledge System*, pp. 130 and 162; also see Maitland and Baildon, *Court Baron*, p. 101. Between 1756 and 1758 resiants paid a penny in the various manors forming the Bolton Castle estate: NYCRO/ZBOIII/4.

³⁹ *Frankpledge System*, p. 162; NYCRO/ZNKIII/1/223.

in presentments, were occasionally amerced comparatively heavily after they wilfully refused to attend court and free-tenant defaulters were expected to pay a little more but the ameracements for mere failures by non-free-tenant suitors were generally light: at Snape and Well we have noted ameracements of fourpence to sixpence early in the seventeenth century, mean ameracements of 11½d early in the eighteenth century and a lower mean of 4½d later that century. These levels of ameracement accord with punishments for default elsewhere.⁴⁰ The volume of all these payments was no compensation for their low levels: few men were enrolled at any leet, at twopence each considerable numbers of essoins produced little income and ameracement income must have fallen.⁴¹ The income from the court baron must have dropped too. New tenants were admitted on payment of the customary fees and fines but in the eighteenth century these seem to have been only about a shilling and there were less than a handful of new entries at any court.⁴² We have seen that court fees had made civil suits quite expensive but the number of suits was greatly reduced. In some manors feudal services, heriots and the use of the lord's mill had been commuted to money payments but we find no trace of this in the North Riding manors.⁴³ We have found no references to heriots and no examples after the early seventeenth century of failure to grind

⁴⁰ A 1620 guide gave a default ameracement of two pence [2d] and in the 1980s the ameracement for default at Laxton, Nottingham, was still two pence [2p]: Harland, *Court Leet Records*, p. 19; Beckett, *History of Laxton*, p. 27; *idem*, 'Laxton', p. 13. North Riding examples can be found at: (all NYCRO) ZAW/146/3-4; ZEWIII/5/1; ZNKIII/1/7; ZON/4/1/32; ZBLIII/2/2/48-9, 55 and 58; ZLQ/28/MIC1454/120; ZLQ/29/MIC1454/325; ZFL/119/MIC637/15.10.1742; ZCF/6.10.1780; ZCC/56-7; ZBLIII/1/1; ZCG/MIC1275/5577, 5596 and 5598; and ZDSIII/1/4/198.

⁴¹ Income from essoins is endorsed on the back of the Snape and Well call rolls for 1785, 1789 and 1792 and it was 6s.10d, 7s.4d and 12s.8d respectively: 1/446, 1/456 and 1/468.

⁴² At Snape and Well entry fines in the extant records ranged from eight pence in 1731 to a shilling in 1789: 1/229, 1/442, 1/446 and 1/456. At Thornton le Moor about 1740 free tenants paid a shilling and tenants sixpence: NYCRO/ZEC/No ref. (1736-48 call roll). Tenants were also admitted for a shilling at Bellerby in 1789, Hunton in 1803 and at Old Byland late in the nineteenth century: NYCRO/ZIF/657, NYCRO/ZAW/147/48 and NYCRO/ZDVIII/No ref. (Court book 1871-89).

⁴³ Hey, *English Rural Community*, pp. 56 and 81.

at the mill or neglect to perform services: these obligations seem to have disappeared at Snape, Well and Danby although tenants were subject to both at Bedale as late as 1722.⁴⁴ Elsewhere income had perhaps been increased by enforcing regular small ameracements for trespass or breaches of the assize of bread and ale, interpreted as licences to graze or run taverns, but we have found none at the North Riding courts.⁴⁵ At Whitby as late as 1836 the lord of the manor gave public notice of his intention strictly to enforce his rights to 'wrecks, jetsam, flotsam, lagan and waifs and all other things' which had been 'greatly infringed' but this additional source of potential income was not open to lords of inland manors.⁴⁶ It has been suggested that in the seventeenth century manorial courts justified their existence to their lords by the fines they imposed and the few published sixteenth and seventeenth century examples of court income support this conclusion.⁴⁷ But whether this remained the case when they survived into the eighteenth century is doubtful. As Emmison pointed out freehold and copyhold rents were the least remunerative, leaseholds produced a much higher income and other manorial receipts were irregular. He concluded that 'some of the smaller courts thus only just paid their way after deduction of the steward's fees and other expenses such as dinners given to freehold tenants in a few manors when they paid their rents.'⁴⁸ What was true of Elizabethan Essex was true of Georgian Yorkshire and in most manors there were no financial incentives for lords to keep courts open: court income had fallen, the costs of stewards and dinners continued and courts were

⁴⁴ Atkinson, *Quarter Sessions Records*, 9, p. 204. In eighteenth-century Cumbria tenants seem to have extricated themselves from the use of the lord's mill but services and boons remained 'riveted': Searle, 'Custom, Class Conflict and Agrarian Capitalism', pp. 112-13.

⁴⁵ Harvey, *Manorial Records*, p. 50; Baber, *Court Rolls of the Manor of Bromsgrove*, p. 40; Morris, 'Manor of Little Haywood', p. 59.

⁴⁶ NYCRO/ZCG/MIC1275/5552; the lord offered to pay compensation of five per cent of the value of goods. For lord's right to wrecks etc. see Kitchin, *Jurisdictions*, p. 24; and for examples see Ault, *Private Jurisdiction*, pp. 101-2. In 1757 under the Marske in Cleveland manorial byelaws the penalty for failing to report to the bailiff a wreck or goods lost upon the sea was 6s.8d: NYCRO/ZNKIII/1/256.

⁴⁷ Ward, 'County Government', p. 170; Dawson, *History of Lay Judges*, p. 223; Harrison, 'Social and Economic History of Cannock and Rugeley', pp. 125-6; McIntosh, *Community Transformed*, p. 300.

⁴⁸ *Elizabethan Life*, p. 201.

not required merely to collect leasehold rents.

Seventeenth-century stewards made considerable profits out of leets. They could charge for holding the court, recover their expenses and receive other court fees. Bailiffs too received salaries and fees.⁴⁹ Sidney and Beatrice Webb noted that evidence of definite salaries for officers is extremely rare but they suspected some small remuneration was not infrequent: remuneration would be determined by custom and fines imposed might be the perquisites of the manorial officers.⁵⁰ In 1630 at Thirsk in the North Riding the bailiffs had

anciently and att this instant doe allowe horsmeat and man's meat for the Lords high Steward, clerke of the courte, their servants and friends, and to the lord's baliffe and his deputy att all head courts, three week courts, and at all fayres ... [and they proclaimed the fairs and drove the commons and moors] ... in lieu of wth services and charges the borough baliffe hath wthout tyme wh'rof the memory of man cannot remember the contrary had and received the p'quisite of the Co^{ty} for Am'ciant^{ie} in the towne fields and comons excepte the Am'ciant^{ie} for non-appearances, and for neglect of lands and services.⁵¹

The stewards would have a vested interest in the continuance of a court and so would the bailiffs unless their costs exceeded their salary or customary income. But it is unlikely that their wishes would prevail over lords unwilling to maintain courts the cost of which was increased by their remuneration.

Villagers involved in the administration of the court would also have an interest, financial and otherwise, in its

⁴⁹ Holdsworth, *History of English Law*, p. 137; Hearnshaw, *Leet Jurisdiction*, Appendix 3, *Laxmore v Lethbridge*; Jacob, *Complete Court-Keeper*, p. 328; Webbs, *Manor and the Borough*, pp. 70-1. For examples of stewards' and bailiffs' remuneration: Howell, *Land, Family and Inheritance*, p. 37; Hone, *Manor and Manorial Records*, p. 131; McIntosh, *Community Transformed*, pp. 314 and 316; Richardson, *Court Rolls of the Manor of Acomb*, 2, p. 388; NYCRO/ZSGIII/MIC1346/441 and 540; NYCRO/ZDVIII/No ref. (Inside front cover of court book 1871-89).

⁵⁰ *Manor and the Borough*, pp. 16, 24 and 70.

⁵¹ Grainge, *Vale of Mowbray*, pp. 93-4.

protraction. Contemporary tables of court fees indicate jurors were paid eight pence each; at Holtby in the North Riding the jurors received four pence for each admittance.⁵² Jurors also partook of food and drink at others' expense. It was not unusual for courts to meet in inns although one participant at Cannock, Staffordshire, in 1581 thought 'yt ys unsemely'.⁵³ Kitchin gave guidance to stewards on when it was proper for jurors to eat and drink; Scroggs declared 'the Court commonly adjourned to Dinner'.⁵⁴ The cost of 'these convivial meetings without which Englishmen do not conduct public affairs, and which have their use in promoting good-fellowship' was not always met by the lord:⁵⁵ we have seen that at Thirsk the bailiff paid for victuals out of his amercement income; in 1728 at Holtby in the North Riding the jury paid 2s.2d each for their meal; and a note in the front cover of a court book for the manor of Old Byland in the North Riding tells us 'Lord of Manor pays Dinner. Jury their own Grog'.⁵⁶ But it is assumed that more often than not the lord footed the bill and much as the jurors might want to continue their 'convivial meetings' at his expense he would have to find it worth his while to retain his court for other reasons.⁵⁷

⁵² Jacob, *Complete Court-Keeper*, p. 328; Scroggs, *Practice of Courts-Leet*, p. 491; NYCRO/ZSGIII/MIC1346/441.

⁵³ Webbs, *Manor and the Borough*, p. 65; Harvey, *Manorial Records*, p. 63; Harrison, 'Social and Economic History of Cannock', p. 117; McIntosh, *Community Transformed*, pp. 133 and 385. To this day the leets at Fyling, North Yorkshire, and Laxton, Nottinghamshire, meet in inns: Severs, 'Four Courts Leet', p. 27; Beckett, *History of Laxton*, pp. 26 and 318. The writer has attended the leet held in an inn at Clifton, York.

⁵⁴ Kitchin, *Jurisdictions*, pp. 227-8 (he quotes a juror committed to the Fleet and fined because he was found to have 'a Box of Barberies conserved, Sugar Candy, and Licorish'); Scroggs, *Practice of Courts-Leet*, p. 12.

⁵⁵ Trotter, *Seventeenth Century Life*, p. 41.

⁵⁶ NYCRO/ZSGIII/MIC1346/frame524; NYCRO/ZDVIII/No ref. (Court book 1871-89).

⁵⁷ For the elaborate catering arrangements of the court at Hutton Conyers in the North Riding in the 1770s see T. Blount, *Tenures of Land and Customs of Manors* (London, 1679), new edition W.C. Hazlitt (ed.) (London, 1874), pp. 170-2. Other references to leet dinners can be found at: M.E. Ingram, *The Manor of Bridlington and its Lords Feoffees* (Bridlington, 1977), p. 65 (1648); NYCRO/ZCGIII/MIC1346/517, 519, 523, 525 *et seq*; NYCRO/ZNKIII/1/25 (1770); (Continued ...

We must look elsewhere for a lord's motives for wanting his court to survive. Up-to-date lists of inhabitants were no longer of value to the lord of the manor by the end of the eighteenth century: in the manors studied they were not complete and the lists produced for the Danby court, the court which survived, covered only a limited section of the local population. Some courts may have lingered simply out of conservatism: the frankpledge lists were maintained at Shrewsbury, Shropshire, long after frankpledge disappeared; the New England settlers established systems of open fields and common pasture; and courts leet and baron flourished in southern Massachusetts in the seventeenth century.⁵⁷ It has been suggested that a court gave the lord prestige and enhanced the dignity of the nineteenth-century landed gentleman.⁵⁸ We find echoes of this in notes for an address by the seneschal of the North Riding court of Fyling early this century, perhaps intended for the company at the leet dinner: he noted that leets had for a long time been in a declining way, that they gave no money benefit, but he asserted that they 'recalled the vanishing era of seignorial dignity and enabled the lord of the manor to retain some relic of the benevolent pride which belonged to a higher rank than a mere landlord.'⁵⁹ At first sight it would seem little prestige or dignity could be derived from a court which had no business to conduct. But where commons remained the court leet presented an opportunity for a lord of the manor to provide leadership, often at a loss to himself and only out of a sense of public duty.⁶⁰ Jurors no doubt shared some of the feelings of their lord. In his example of 'An Exhortation to the Jury' Kitchin assured jurors that by keeping well their oaths

⁵⁷ Continued ...) Richardson, *Court Rolls of the Manor of Acomb*, 2, p. 386 *et seq* (1800); NYCRO/ZDSIII/4/1; NYCRO/ZNKIII/2/300; NYCRO/ZCG/MIC1275/5661-4 (programme of songs, etc.).

⁵⁸ Champion, 'Frankpledge Population of Shrewsbury', p. 53; G.M. Trevelyan, *English Social History* (New York, 1942), Third Ed. (London, 1946), p. 212; Lipsom, *Economic History*, p. 65; Harding, *Social History of English Law*, p. 303.

⁵⁹ Bennett, *Life on the English Manor*, p. 218; Harvey, *Manorial Records*, p. 58.

⁶⁰ NYCRO/ZCG/MIC1275/5635.

⁶¹ Report of the Royal Commission on Common Land, p. 71.

you obtain by that, great profit and commodity; for by that, wrong shall be redressed, peace and tranquility shall be maintained, and right and publique good preserved, and you shall live in quiet, and hold your Goods, Lands, and Lives, in peace and quietness, and you shall be accounted after this life among the Saints of God, and shall have life eternal.⁵²

Jurors may not have wanted courts to prevail so that as saints they might achieve life eternal but they no doubt perceived their work as for the 'publique good'. Regular membership of the leet jury, like holding other offices, perhaps gave influence and power, enhancing their status in the eyes of their peers in these rural communities.

Although maintaining the mechanisms of the court for managing the commons was probably uneconomic it was convenient. The court's power to make bylaws was obviously useful and the court provided a forum for resolving disputes arising out of common rights. 'Licences' to take peat and turf and to encroach on the commons produced a little income but they also offered a means of control.⁵³ Some accepted encroachments were the subject of regular payments akin to rent, indeed in 1780 at East Cowton in the North Riding they were referred to as 'incroachment rents', and by this means the limit on ameracements could be evaded.⁵⁴ But the court could also order the demolition of unacceptable encroachments.⁵⁵

Courts leet declined as their work was taken over by other agencies or simply disappeared as a result of enclosure.⁵⁶ They survived if, but not necessarily because, parts of the manor remained unenclosed for there were other means of managing commons.

⁵² *Jurisdictions*, p. 109.

⁵³ In 1797 the income from the peat and turf 'licences' was £1 9s.2d: III/4/82; in 1851 when encroachment income was included it was £9 3s.1d: III/2/4.

⁵⁴ NYCRO/Z.13/1.

⁵⁵ In 1849 William Underwood and Isaac Wilkes had erected sheds on the waste and were ordered by the Danby court to remove them within one month or forfeit thirty shillings: III/4/169.

⁵⁶ Many 'courts' survived until 1925 only as a means of transferring copyholds but they have been discounted in this discussion of surviving courts.

As income fell and outgoings were maintained courts became uneconomic and they continued only if the lord had other reasons for wanting their retention and was prepared to foot the bills. But where they prevailed, not least if their mechanisms were adapted to suit the new circumstances, they provided a convenient and efficient means of commons management for the lord and commoners alike. The Snape and Well court disappeared with the commons and open fields because there was no longer any work to justify its retention; the Danby court survived because the moors remain unenclosed and because successive lords have been prepared to see the old procedures continue to be used to manage commons despite the cost.⁵⁷

The Significance of the North Riding Records

Tawney observed that

The task of finding a manor to serve as a pattern and standard for the rest, which is hard enough in the thirteenth century, is a sheer impossibility in the sixteenth, and the student works with a deep sense of the danger of sacrificing fidelity to simplicity of statement.⁵⁸

The choice of such a manor in later centuries is just as impracticable. However, Ashley was to write that

'The Manorial System' is no doubt often conceived of as more symmetrical and universal than it ever was in fact. But was it not sufficiently similar over large stretches of time and space to make it the most useful preliminary framework round which to gather the new material? if only care be taken at once to lay stress on the multiformity of actual life.⁵⁹

⁵⁷ It is no coincidence that the 'customary business' of the five surviving North Riding courts and most of the surviving courts elsewhere as listed in Part 3 of Schedule 4 to the Administration of Justice Act, 1977, includes the management of common land. It is perhaps also no coincidence that the five North Riding courts, and no doubt many if not all the others, hold annual dinners.

⁵⁸ *Agrarian Problem*, p. 57.

⁵⁹ Sir W. Ashley, Review of G.G. Coulton's *The Medieval Village*, in *The Economic Journal*, 36 (June, 1926), p. 245.

We cannot be sure that the courts leet of Snape and Well, West Tanfield and Danby are good illustrations of courts in the North Riding as a whole. We have seen that the three courts differed from each other, no doubt as they differed from courts elsewhere in the riding, and it is probable that no manor and its court could serve as 'a pattern and standard' for the others. The courts sampled in this thesis represent a fraction of the courts held in the three manors and an even smaller fraction of North Riding courts generally. Some records are missing from the sequences studied and, as Marjorie McIntosh has pointed out, extant records can give an inadequate picture: for example a large number of debt cases could be evidence of constructive resolution of local disputes but it could also be evidence of acute local hostility. The background information needed to interpret the bare records is rarely available.⁷⁰ The samples are small, they are not complete and the picture they present may be imperfect. Nevertheless, the manors were selected from the few with call lists including residents and because they had better sequences of records than possible alternatives: they appeared to be the best North Riding records available for the intended research, and there are no grounds for suspecting that they are not broadly representative. The records of other North Riding manors have not been examined in depth but numerous examples culled from them and cited in the foregoing chapters give the impression that these courts were much the same as those at Snape, West Tanfield and Danby. The dangers of over-simplification must be borne in mind, the 'multiformity' of manors stressed. Nevertheless there is every reason to believe that the courts studied in this thesis were sufficiently similar to and can be used to give a reliable impression of manors elsewhere in the riding at that time.

But Yorkshire's manors, like its parishes, tended to differ from those in the south. Parishes there were bigger and a statute of 1662 provided that 'The inhabitants of ... Yorkshire ... by Reason of the Largeness of their Parishes, are to relieve and provide for the Poor within their respective Townships or Villages in

⁷⁰ *Autonomy and Community*, p. 183.

such Parishes.⁷¹ Extensive North Riding parishes frequently comprised three, four or more townships, sometimes even as many as fifteen or more.⁷² Elsewhere the 'bedrock unit of local administration' was the parish but in the North of England it was the township.⁷³ Yorkshire manors were also bigger and in the Danelaw, as in Northumbria and East Anglia, coincidence between manor and township was extremely rare.⁷⁴ North Riding manors, like the parishes, often contained several townships. Nationally the boundaries of many parishes coincided exactly with those of manors but others stretched over several manors and some seem to have had no connection at all with manorial divisions; it was rare for a manor to extend over more than one parish.⁷⁵ We have found that the manor of West Tanfield was of this rarer type and the manors of Snape and Well and Danby seem to have had boundaries which coincided more or less with those for the parish. The parishes were large and all three manors covered more than one township, the bigger villages having their own call lists, officers and presentments. Yorkshire manors were in marked contrast to some manors in the south where, in Essex for example, they were rarely coterminous with parishes and it was common for the lands of several manors to be found in one village.⁷⁶ The North Riding manors may not have been 'sufficiently similar' to southern manors of this type. Noting that manorial jurisdictions could cut across the parish Macfarlane suggested that the core of any community study would probably be the parish or a group of parishes: it would seem that all the recent studies of early modern communities have indeed been based on parishes. Margaret Spufford chose her Cambridgeshire parishes because they each contained only one manor

⁷¹ 13 & 14 Car 2, quoted at Jacob, *Compleat Parish-Officer*, p. 92.

⁷² Trotter, *Seventeenth Century Life*, p. 14; Atkinson, *Quarter Sessions Records*, 7, p. xx.

⁷³ Porter, *English Society*, p. 140.

⁷⁴ E.A. Kosminsky, 'Services and Money Rents in the Thirteenth Century', *Economic History Review*, 5 (1935), p. 30.

⁷⁵ Webbs, *The Parish and the County*, p. 12; Halsbury, *Laws of England*, 8, pp. 274-5; Kosminsky, 'Services and Money Rents', p. 30.

⁷⁶ Emmison, *Elizabethan Life*, p. 200. There were five manors or parts of manors in both Kelvedon and Terling, Essex: J.A. Sharpe, 'Crime and Delinquency in an Essex Parish 1600-1640', in Cockburn, *Crime in England*, p. 93; Wrightson and Levine, *Poverty and Piety*, p. 26;

but she confessed that for that reason they were not typical.⁷⁷ It is also possible that the North Riding manors were dissimilar simply because the coincidence of their boundaries with those of the parish influenced what happened there: elsewhere disparity between jurisdictions had led to village meetings replacing the manorial courts and vestries choosing constables.⁷⁸ Above all, these courts were active when other courts had faded away. But many manors were coterminous with parishes, had survived and were active: the information gleaned from the North Riding manors could be relevant to these similar manors in the north and elsewhere.

Although manorial records have been used in community and other studies and have been examined in their own right little attention has been paid to early modern call lists and rolls. The notable exception is Champion's work on the tithing lists for Shrewsbury, Shropshire, an urban area where true frankpledge applied.⁷⁹ It follows that this exploration of the lists in rural non-frankpledge manors is new. Attendance rates, how they varied from group to group, and how they changed over time, have revealed attitudes to the courts when they were active and as they deteriorated, information not available otherwise. We have seen how call lists worked in three North Riding manors, and in passing in other manors in the riding. Most importantly, we have found that the lists were always incomplete, although it seems that in one manor at least they were less incomplete than the hearth tax returns. In the absence of resident lists and parish registers the lists might be used as a general guide to the number of householders and hence the population, but only if they include residents and always subject to the difficulty of measuring the level of their incompleteness. This study has given some indications of possible omission rates but work is required on other call lists before a usable range of omissions can be established.

The other records of manors beyond the North Riding have been used variously by early modern historians but the

⁷⁷ Macfarlane, *Reconstructing Historical Communities*, p. 34; Spufford, *Contrasting Communities*, pp. 56-7.

⁷⁸ Kent, *English Village Constable*, p. 62.

⁷⁹ 'Frankpledge Population of Shrewsbury', pp. 51-60.

very shortage, indeed often the total absence, of suitable comparative statistics for most topics covered here shows that much of what has been brought to light has not been looked at elsewhere. Some aspects of the examination of jurors, foremen, affeerors and manorial officers have been replicated in a few manors, most in none. There has been little detailed investigation into the work of the court baron and the few manors in which verdicts and presentments have been scrutinized have been urban or in the south. The findings represent a useful contribution not only to our knowledge of early modern North Riding manors but to manorial history in general. The decline of manors and the leet is already well documented.⁸⁰ The courts which had provided local 'common-sense' justice promptly and cheaply to the profit and dignity of the lord decayed because of their infrequency, restricted scope and defective procedures; presentments became gradually more and more ineffective and the court had little power to coerce. In the words of one commentator the smaller courts lacked 'legal clout'. Social conditions and legal conceptions changed, the leet could deal with new statutory offences only if the statute specifically said so and it was slowly replaced by other instruments of local government.⁸¹ We have seen these symptoms of the courts' decline in the North Riding manors. At the leets assorted local men had presented a wide range of offenders twice each year and the courts baron held more frequently had provided a useful local service to the villagers and their neighbours; common sense seems to have prevailed for the penalties affeered were generally not disproportionate and the damages awarded

⁸⁰ Holdsworth, *History of English Law*, 1, pp. 136-8 and 187; *idem*, 4, p. 158; Webbs, *Manor and the Borough*, pp. 31-126; Hearnshaw, *Leet Jurisdiction*, pp. 40 and 353-8; Dawson, *History of Lay Judges*, p. 254; D.C. North and R.P. Thomas, 'The Rise and Fall of the Manorial System: A Theoretical Model', *Journal of Economic History*, 31 (1971), pp. 777-802; A. Jones, 'The Rise and Fall of the Manorial System: A Critical Comment', *Journal of Economic History*, 32 (1972), pp. 938-43. For the deficiencies of the court baron see The Fifth Report by the Commissioners Appointed to Inquire into the Practice and Proceedings of the Superior Courts of Common Law, pp. 5-13.

⁸¹ Hearnshaw, *Leet Jurisdiction*, pp. 354-6; King, 'Untapped Resources for Social Historians', p. 699; Holdsworth, *History of English Law*, pp. 136-8.

were often less than the plaintiff had demanded. Yet we have seen that the courts could not cope with the recalcitrance of Thomas Jackson of Wath and the tanners at Snape and in time presentments dwindled while civil business was greatly reduced. The Danby court adapted and survived with its commons but the decline of the Vale of Mowbray courts fitted the national pattern. There are hints that in two more respects at least these northern manors differed from manors further south. As we have seen offences heard by early seventeenth-century Kent manorial courts seem to indicate that there were marked differences between the business of the Kent and Vale of Mowbray courts. We also noted the apparent obsession of the early seventeenth-century Snape and Well juries with offenders who had taken wood and the possibility that this reflected population growth as found at an earlier date by Marjorie McIntosh in Tudor Essex. Thus we have demonstrated two points of comparison between the North Riding rolls and the records of manors elsewhere. Such comparisons could doubtlessly be taken further.

The period within which our studies fall is one which saw a number of transformations in English rural society. Slowly and gradually agriculture was commercialized: improved farming methods were introduced; common fields disappeared, land under cultivation was extended and farms tended to be larger; the more substantial yeomen thrived but smaller landholders disappeared leaving the tripartite system of landlords, prosperous tenants and agricultural labourers; copyholds were replaced by leaseholds; and remnants of feudalism vanished. Evidence of these changes, slow and gradual but known as the 'agricultural revolution', is mixed in our records. There are no references to the newer crops of roots, coles, clover and other grasses.⁸² Peas and beans are mentioned in the early seventeenth-century pleas heard at Snape and the hemp rated illegally in both Vale of Mowbray manors at that time was presumably grown locally. Two disputes over onion seeds indicate onions were also

⁸² The crops sought in the records are listed at Kerridge, *Agricultural Revolution*, pp. 268-94, and Joan Thirsk, 'Seventeenth Century Agriculture and Social Change', *Agricultural History Review*, 18 (Supplement) (1970), p. 159.

grown in not insubstantial quantities.⁸³ Manure is referred to here and there in the records but there are no references to other forms of fertiliser. We have seen that overgrazing was controlled by pains but this was probably not a new development. Cobbett's remarks about the quality of crops in the vale seem to show that farming there had not been much improved. Kerridge has pointed out that the 'Blackmoors' [North York Moors] played only a small role in the agricultural revolution for the simple reason it was, and is, naturally almost unimprovable.⁸⁴ The Snape and Well manorial records provide some references to the enclosure of the common fields: the disappearance of bylawmen coupled with the marked reduction in manorial offences presented at the leet seem to indicate that enclosure of the commons there was almost complete by the end of our period. Evidence of piecemeal encroachments onto the commons has emerged in all three manors but only at Danby have we found indications of a tendency towards larger farms. The manorial records provide no direct information about the emergence of the tripartite system of landlords, tenants and labourers but changes in the administration of the manor of Snape and Well are consistent with such a development. Early in our period many villagers served as bylawmen and jurors and the presentments show that most had at least some land. At the end of our period service in the manorial offices was confined to exclusive groups of men with most land. The majority of villagers, perhaps because they were now landless and had no interest in the court, took no part in the administration of the manor. At Danby the continued involvement of a comparatively wide range of suitors was no doubt not unconnected with the survival of small landholders with an interest in the supervision of the commons by the manorial court. The nature of the tenure of the 'tenants' listed in the Vale of Mowbray rolls is not explained by the surviving documents and any trend from copyhold to leasehold is therefore

⁸³ 1/113, 1/126, 1/168 (1.6.1620), 1/169 (13/7/1620), 1/170, 1/171 (23.11.1620), 1/172, 1/174 and 1/177. Rating hemp: see Table 13.

⁸⁴ *Agricultural Revolution*, pp. 343-4.

undetectable.⁸⁵ The practice of the hospital at Well, which is not, of course, a guide to the practice in the manor, is worth noting here. The hospital leased its land throughout our period, occasionally for twenty-one years but usually for three lives although three times leases for lives were later converted into leases for ninety-nine years.⁸⁶ At Danby the farmers acquired freeholds before the extant records commence and it would seem most if not all of the land remaining in the hands of the lord was held by tenants-at-will. At the beginning of our period some villagers at Snape and Well were expected to use the lord's mill, sue in his court and provide him with services but by the end there is no indication they were required to do any of these things; new suitors had sworn fealty to the lord but their successors were merely admitted; the last vestiges of feudalism had gone, perhaps later in the North Riding than in the south. The courts themselves survived but we have seen they had changed greatly and one was soon to disappear with its commons. Holderness has pointed out that 'the broad diffusion and the slow progress of innovation - the evolutionary nature of agricultural improvement - before the nineteenth century make a discussion of the chronology of agricultural change exceedingly difficult.' But he suggests that the period from 1660 to 1760 'is increasingly preferred by non-partisans in the debate as the critical turning point.'⁸⁷ The sporadic evidence makes it just as difficult to assess the chronology of change in the North Riding manors. In particular, gaps in the evidence make it impossible to trace changes in manorial administration during the Interregnum. The evidence for Danby is sparse and the position is complicated by the survival of the

⁸⁵ The separate lists of freeholders indicate the 'tenants' were copyholders, leaseholders or tenants-at-will. The survival of residual manorial dues and transfers to widows, from father to son, etc., could indicate that some were still copyholds.

⁸⁶ There are more than a hundred Well Hospital leases at NYCRO/ZAL/2. The first four made between 1566 and 1615 (2/1-4) are leases for twenty-one years but with one exception in 1721 (2/101) all the others up to 1743 are leases for three lives. Former leases were converted into ninety-nine year leases in 1705 (2/58-9) and 1712 (2/74). Institutions, especially the church, often preferred such longer leases: Holderness, *Pre-Industrial England*, p. 78.

⁸⁷ *Ibid*, pp. 73-4.

commons. But it is clear that agriculture changed at Snape and Well during our period and what evidence there is indicates the turning point was indeed after the mid seventeenth century. The court reflected the changes: it thrived early in the seventeenth century, declined through the turn of the century and beyond, and by the end of the eighteenth century it was no longer needed.

We have also seen evidence of other major transformations in English history. The reduction in presentments, in particular for public order offences, could reflect the decline in crime or in willingness to prosecute about that time and the reduction in affrays accords with the dramatic reduction in indictments for homicide and assault between 1660 and 1780; this evidence too is worthy of investigation in the records of other manors.⁸⁹ The reduced business in the court baron, not all the result of the 39s.11d limit, could also reflect changed attitudes: the people were less litigious, extra-judicial settlement was popular and many suits which were crimes in disguise were perhaps no longer taken to court.⁹⁰ We have seen no direct evidence of the growth of the state and its intrusion into local affairs but we have assumed that some of the offences formerly presented at the leet were later dealt with by the justices, yet another reason for the fall in presentments.

A major transformation in the manor of Snape and Well, which demonstrates a local variation on a national development, was the increasing exclusivity in the manorial juries and other offices. Service had been quite widespread but it was to become the preserve of comparatively few villagers. We have seen evidence that

⁸⁹ Sharpe, *Crime in Early Modern England*, pp. 63-71; Stone, 'Interpersonal Violence in English Society', pp. 22-32. Prosecutions for indictable crime rose early in the reign of Elizabeth, peaked between the 1590s and 1630, fell by the mid seventeenth century and continued comparatively low thereafter.

⁹⁰ For example, theft could have been taken to court as detinue, breach of the peace as slander, damage as trespass, and assaults could have been pursued either criminally or civilly. A successful civil action brought the return of stolen goods and payment of damages without putting the culprit's life in jeopardy. See Lenman and Parker, 'The State, the Community and the Criminal Law', pp. 18-22.

some, often the offspring of existing or former jurors, were readily accepted onto juries and sometimes even before they were listed as tenants. The sess shows that early in the eighteenth century the jurors and officials were apt to be the better off in the community and the land tax returns reveal that they tended to be those with most land. The change therefore reflected the gradual increase in social stratification which was a feature of life in the countryside at that time, although it seems to have taken place later at Snape and Well than in villages further south.⁹⁰ What information we have about the other village offices shows they were often held by the same men and they seem to have formed what has been described as an informal or loose governing oligarchy.⁹¹ The administration of the manor and the parish involved less men but, as Snell has pointed out, the democratic or participatory elements of the former arrangements should not be exaggerated for even then many men took no part in local government.⁹² Nor should the undemocratic character of leet juries be over-stated for King has suggested it is arguable that the justice of the leet was less summary and more deliberative and balanced than the justice many receive today.⁹³ There is no hint in the records that the later 'oligarchic' jurors used their domination of juries to control their poorer neighbours. This could be simply because so few offenders, rich or poor, were then presented but a more likely explanation is that their purview was restricted to the dwindling common lands. Yet there are indications in Chapter Three that unlisted persons not formally accepted into the community were prosecuted for offences which might have been ignored if committed by listed villagers. Thus in the seventeenth century in the Vale of Mowbray manors the settled were perhaps treated better than the unsettled.⁹⁴

⁹⁰ J. A. Sharpe, *Early Modern England: A Social History 1550-1760* (London, 1987), pp. 91, 133, 200 and 220-1.

⁹¹ *idem*, 'Crime and Delinquency', p. 94; *idem*, 'Enforcing the Law in the Seventeenth-Century English Village', in Gatrell, Lenman and Parker, *Crime and the Law*, p. 101.

⁹² *Annals of the Labouring Poor*, p. 107.

⁹³ 'Leet Jurors', pp. 305-23.

⁹⁴ Snell, *Annals of the Labouring Poor*, p. 107.

The North Riding manorial records studied have proved a fruitful source of information about suitors and non-suitors alike which demonstrate their usefulness for community reconstruction. Light has been thrown not only on the inhabitants' involvement in the administration of the manorial courts but also their appearances before them as suitors, offenders at the leet and litigants at the court baron. Despite the difficulties the manorial records yield information not to be gleaned elsewhere and this research has confirmed their value as a subject for study in their own right and as a tool to be used in wider community studies. The results of the detailed examinations of call lists and rolls, verdicts and presentments, pleas and other documents here presented have added to our understanding of manorial courts and honed the tool. Few early modern manors have been studied in this detail, and the findings on how the call lists and rolls worked in practice are especially novel. In particular, it seems there has been no similar study of a rural manor in Yorkshire, or indeed in the north-east. We have seen that sometimes the manors studied matched what is known of early modern manors nationally but we have also found that in several respects these northern manors differed from manors elsewhere and these aspects are worthy of further investigation in other manors in the north. Some of the findings in these large rural northern manors where frankpledge never applied may be relevant only in similar manors but much of what has been revealed could be material in studies of manors different in one or more of these respects. The study of manorial records is potentially enormously fruitful, and will become more so as comparative local studies across districts and regions are completed. For the moment we hope to have demonstrated that analysis of the unpublished original records of the three North Riding manors has indeed proved fruitful but it remains clear that the study has covered only two areas of the riding, let alone different districts and regions. The nature of the records and research conducted precluded investigation of more manors over a wider area. But the results demonstrate that further research on manorial records would be equally rewarding. Be that as it may, this thesis constitutes a step towards a better understanding of early modern manors in general, and of manorial history in Yorkshire and the north in particular.

APPENDIX

THE RECORDS OF 103 NORTH RIDING MANORS EXAMINED AT THE NORTH
YORKSHIRE COUNTY RECORD OFFICE IN 1989

No lists of names found: (17)

Alne and Tollerton (ZDV); Barningham (ZBW); Cold Kirby (ZEWIII);
Easingwold and Huby (ZDV); Hackness (ZF3); Haxby (ZEY); Healaugh and
Muker (ZA); Helperby (ZBC); New Malton (ZPBII); Old Malton (ZPBII);
Osbaldwick (ZEY); Scarborough (DC/SCB); Sessay and Thirkleby (Z.92);
Spaunton (ZEWIII); Stockton on Forest (ZUE); Strensall (ZEWIII); and
Whitby Laithes (ZCG).

Lists of names found but residents not mentioned: (21)

Ampleforth (ZDV(F)); Bainbridge (ZPG); Bellerby (ZIF and ZDX);
Brompton (Pickering Lythe) (ZDSIII); Brompton by Sawdon (ZDSIII);
Cropton (ZMS); Fyling (ZCG); Holtby (ZUE); Hovingham (ZON/4/1);
Howsham (ZCG); Kewick and Silton (ZDV); Kildale (ZK); Levisham
(ZPC3); Myton (ZLQ/28 and 29); Newburgh (ZDV); Northallerton Capital
and Borough (ZBD); Oulston (ZDV); Thoraby (ZPL, ZCC and ZBOIII);
West Witton (ZBOIII); Whitby (ZCG); and Yearsley (ZDV).

Lists of names found, residents mentioned but records not suitable
for further investigation: (40)

Barton (ZDG(A)III); Barton le Street (ZDV(F); Bolton Castle (ZBOIII);
Carperby (ZBOIII); Coxwold (ZDVIII); Crakehall (ZAW); Dalton Ryall
(ZPT); Downholme (ZBOIII); East Bolton (ZBOIII); Ellerton (ZBLIII);
Eston (ZLQ/30); Harmby (ZBOIII); Harome (ZEWIII); Helmsley (ZEWIII);
Hunton (ZAW); Husthwaite (ZTJ 26, ZBQ and ZDV); Hutton Buscel
(ZPBII); Ingleby Arncliffe (ZFL); Kirkbymoorside (ZEWIII and ZEL);
Kirkleatham (ZK); Langton (ZDV(F)); Leyburn (ZBOIII); Manfield (ZJX);
Masham (ZS); Middleham (PC/MID); Morton on Swale (ZBC); Northallerton
Halnott (ZBD); Old Byland (ZDVIII); Preston (ZBOIII); Redmire
(ZBOIII); Rievaulx (ZEWIII); Seamer (Stokesley) (ZJX); Stakesby
(ZCG); Thornton le Moor (ZBC and ZEC); Thornton Rust (ZBOIII);
Thornton Steward (ZBOIII); Welbury (ZEC); Wensley (ZBOIII); West
Ayton (ZDSIII); and Whorlton (ZJX).

Lists of names found, residents mentioned and records suitable for further investigation: (24) (* = no registers)

Arkengarthdale* (ZQX); Coulton* (ZNQIII); Danby (ZDSIII and ZPT/17/2); East Cowton* (Z/13/1); Gilling (Ryedale) (ZDV(F)III); Guisborough (ZFM/42); Lartington (ZPS); Leeming and Exelby (ZJX); Liverton (ZPT/17/2); Marske (Cleveland) (ZNK); Nawton (ZEWIII); Newsham by Barningham* (ZJX); North Loftus (ZNK); Scawton* (ZDV(F)); Scorton (ZBLIII); Sinderby (ZJX and ZTI); Snape and Well (ZAL); South Cowton (Z/13/2); South Loftus (ZNK); Stainton by Downholme* (ZPT); Thirsk (ZCF); Watlass (ZBW); West Tanfield (ZJX and Z.19); and Wombleton (ZEWIII).

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ZAW/146/3-4 and 23-4	Crakehall	Court rolls, 1673-88 and 1786
ZAW/147/48	Hunton	Call roll, 1803
ZBLIII/1/1	Scorton	Court book, 1778-1854
ZBLIII/2/2/1	Ellerton	Call roll, 1693-4
ZBLIII/2/2/48-9, 55 and 58		Court papers, c1847-54
ZBOIII/4	Bolton Castle	Court book, 1756-8
ZBS/597	Tanfield	Lease, 1698
ZBW	Snape	Court rolls, 1798-1816
ZCC/56-7 and 80	Thoralby	Court rolls, 1783-1805
ZCF (6.10.1780)	Thirsk	Court roll, 1780
ZCG/MIC1275/5596 and 5597	Stakesby	Estreats, 1756 and 1821-2
ZCG/MIC1275/5552 ZCG/PB640	Whitby	Printed notice, 1836 Poster, 1838
ZCG/MIC1275/5635 and 5661-4	Fyling	Seneschal's notes, early twentieth century Programme of songs, etc., 1931
ZCG/MIC1275/5577	Whitby Laithes	List of defaulters, 1837
ZDSIII/1/2/2-4	Danby	Court books, 1786-1868
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ZDSIII/4/1 and 259		Court papers, 1682-1919
ZDSIV/1/3/3 and 7		Field books, c1787 and c1795
ZDSIV/2/2/1		Rental, 1779
ZDVIII	Old Byland	Court book, 1871-89

ZEC	Thornton le Moor	Call roll, 1736-48
ZEWIII/5/1	Helmsley and Kirkbymoorside	Court book, 1697-1710
ZFL/117 and 119	Arncliffe	Court rolls, 1743 and 1742 [sic]
ZIF/657	Bellerby	Court roll, 1789
ZJX/3/1/150-3 and 163	West Tanfield	Court rolls, 1625-34 and 1616 [sic]
ZLQ/28/MIC1454/120 ZLQ/29/MIC1454/325	Myton	Court roll, 1704 Court roll, 1720
ZNKIII/1/5, 9-10, 25, 223 and 256	Marske in Cleveland	Estreat, 1639 Notice and court roll, 1756 Note about victuals, 1770 Letter from suitor, 1889 Byelaws, 1757
ZNKIII/2/300	Loftus	Letter from agent, c1900
ZON/4/1/32	Hovingham	Call roll, 1660
ZPBII/4	Malton	Court paper, 1792
ZPG/5/1/2	Bainbridge	Court roll, 1768
ZPT/3/2/13	Stainton by Downholme	Court roll, 1656
ZPT/17/2/11	Dalton	Letter to jury, c1660
ZSGIII/MIC1346/441, 517 and 519 and 523-540	Holtby	Note about entry fines, undated Court expences, 1723-24 Notes about dinners, 1729-34
Z.13/1	East Cowton	Court book, 1780-1840
Z.19/2	West Tanfield	Court book, 1625-36
Parish records:		
PR/BUE/1/1	Burneston	Registers, 1566-1697
PR/DAN/3/1	Danby	Account book, 1655-1918
PR/GL/1/1 PR/GL/3/3	Glaisdale	Registers, 1758-1813 Overseers of the poor account book, 1709-1814, and constables' account book, 1708-1854

PR/WAT/15	Wath	Transcript made in 1855 of registers, c1571-1813
PR/WEL/1/1-5 PR/WEL/3/1	Well	Registers, 1558-1812 Account book, 1729-1816

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	Danby and Glaisdale	Wapentake of Langbaugh East, 1787

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